

**UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No.
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**COMPLAINT**

Pursuant to the provisions of Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §801 *et seq.*, (the “Mine Act”), the Secretary of Labor (“the Secretary”) hereby files this complaint alleging violations of Section 105(c)(1) of the Mine Act, 30 U.S.C. § 815(c)(1).

1. The Commission has jurisdiction over this case under sections 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823.

2. The Secretary, acting through the Mine Safety and Health Administration (“MSHA”), enforces and administers the Mine Act, 30 U.S.C. § 801 *et seq.*

3. Respondent American Tripoli is a fictitious name for a limited liability company, MOSenecaManufacturer Limited Liability Company, with a place of business at 222 Oneida Street, Seneca, Missouri 64865. Respondent is registered with the Mine Safety and Health Administrative (“MSHA”) as the operator of the MOSenecaMfr LLC dba American Tr mine. Respondent is a “person” as defined in section 3(f) of the Mine Act, 30 U.S.C. § 802(f).

Respondent owns, operates and controls the MOSenecaMfr LLC dba American Tr mine and is therefore an “operator” as defined in Section 3(d) of the Mine Act, 30 U.S.C. § 802(d).

4. The MOSenecaMfr LLC dba American Tr mine (“Mine”) is metal/nonmetal surface mine. The MOSenecaMfr LLC dba American Tr mine has, or at all times relevant to this Complaint had, products that enter commerce or operations or products that affect commerce. The MOSenecaMfr LLC dba American Tr mine is a “coal or other mine” as defined in section 3(h)(1) of the Mine Act, 30 U.S.C. § 802(h)(1).

5. At all relevant times, Robert Baumann (“Complainant”) was employed by Respondent as a production supervisor who worked at the Mine performing various tasks and was a “miner” as defined in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g). Complainant Baumann also served as a representative of miners at the Mine from March 21, 2023 through April 17, 2023.

**A. Count I: Discrimination**

6. Complainant Baumann engaged in protected activity while employed by Respondent at the Mine, including the following:

- a. At times starting in or around June 2022 through April 17, 2023, Baumann made safety complaints and raised safety concerns to Respondent;
- b. In February and March 2023, Baumann walked around with MSHA inspectors during MSHA inspections of the Mine and discussed safety concerns and hazards with MSHA inspectors during inspections of the Mine;
- c. On March 21, 2023, Complainant Baumann was elected to be the representative of miners at the Mine and at times thereafter, participated in MSHA inspections of the Mine by walking around with MSHA inspectors in



his capacity as a representative of the miners; and

- d. On or around April 11-12, 2023, Complainant Baumann walked around with MSHA during an MSHA inspection. MSHA issued a withdrawal order, under Section 104(b) of the Act, during said inspection, and Complainant Baumann asked Respondent about miners' rights to compensation while the Mine was shut down and asserted miners' rights to compensation during the withdrawal order.

7. Respondent terminated Complainant Baumann on April 17, 2023, at least in part, because he engaged in activities protected by 30 U.S.C. § 815(c), including those set forth above. Respondent's actions against Complainant constituted illegal discrimination for engaging in protected activities, in violation of Section 105(c) of the Act.

8. On April 25, 2023, Complainant Baumann filed a discrimination complaint with MSHA alleging he was discriminated against pursuant to Section 105(c)(1) of the Act. A redacted copy of the Complaint is attached hereto as Exhibit A.

9. As a result of Respondent's Section 105(c) violation, Complainant suffered financial losses, including, but not limited to, lost wages.

10. The MSHA Office of Assessments has proposed a civil penalty against Respondent in the amount of \$15,000.00 for discriminating against Complainant Baumann in violation of Section 105(c) of the Act. The Secretary requests the Commission assess a civil penalty in that amount against Respondent for discriminating against Complainant Baumann in violation of Section 105(c) of the Act as alleged in Count I of this Complaint.

## **B. Count II: Interference**

11. Upon investigation into Complainant Baumann's discrimination complaint, the

Secretary determined that Respondent interfered with the rights of Complainant Baumann and at least one other miner in violation of Section 105(c)(1) of the Mine Act. The investigation revealed the following facts:

- a. On February 14, 2023, MSHA was conducting an inspection of the Mine.
- b. On February 14, 2023, Complainant Baumann and another miner received a message via Microsoft Teams from John Spears, Respondent's operations manager, telling the miner not to answer questions from the MSHA inspector, to not go in the mill, and the operations manager continued to state that he would be the person who would talk to the MSHA inspector.
- c. At other times during Complainant Baumann's employment, Respondent told miners not to speak to MSHA during MSHA inspections.

12. Respondent's statements to miners, described above, illegally interfered with the exercise of the miners' statutory rights in violation of Section 105(c)(1) of the Mine Act by intimidating miners against engaging in activities protected by the Mine Act, including miners' protected right to report safety issues to MSHA.

13. The MSHA Office of Assessments has proposed a civil penalty against Respondent in the amount of \$17,500.00 for interfering with miners' rights as alleged in Count II of this Complaint. The Secretary requests that the Commission assess a civil penalty in that amount against Respondent for interfering with miners' rights under Section 105(c) of the Act as alleged in Count II.

**WHEREFORE**, good cause having been shown, the Secretary and Complainant Baumann respectfully demand judgment against Respondent as follows:

- i. A finding that Respondent unlawfully discriminated against Complainant Baumann because of his exercise of protected activity in violation of Section 105(c)(1) of the

Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815., as alleged in Count I.

ii. Direct Respondent to pay a civil penalty for discriminating against Complainant Baumann in violation of Section 105(c), as described in Count I. In accordance with the criteria specified in Section 110(i) of the Mine Act, the secretary proposes a civil penalty of \$15,000.00 for the discrimination violation alleged in Count I.

iii. Grant declaratory judgment that Respondent unlawfully interfered with the exercise of protected activity of the miners at the Mine, in violation of Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815;

iv. Direct Respondent to pay a civil penalty for interfering with miners' rights in violation of Section 105(c), as described in Count II. In accordance with the criteria specified in Section 110(i) of the Mine Act, the Secretary proposes a civil penalty of \$17,500.00 for the interference violation alleged in Count II.

v. Require Respondent to fully compensate Complainant Baumann for lost wages, benefits, and any other compensatory damages, plus interest, that resulted from Complainant's termination.

vi. Require that the personnel file of Complainant Baumann be purged of any reference to his termination and any disciplinary action taken against Complainant Baumann as the result of the discrimination by Respondent, and that if a prospective employer contacts Respondent regarding a job reference, Respondent shall not discuss, provide information about, or otherwise reference the expunged information.

vii. Order Respondent to cease-and-desist from:

- a. Discouraging miners from speaking to MSHA; and
- b. Interfering in any way with any right under the Mine Act guaranteed to miners;

viii. Direct Respondent to post a notice for a period of at least 60 days, at places where notices are regularly posted for employees to see, in a size and font that is readily visible to miners, at the Mine, stating that it will not violate Section 105(c) of the Mine Act. Such notice

shall inform miners of their rights under Section 105(c) of the Mine Act and state that Respondent will cease from discouraging miners from speaking to MSHA in any way and that Respondent will not interfere with any right under the Mine Act guaranteed to miners or discriminate against miners for engaging in any protected activity under Section 105(c) of the Mine Act;

ix. Direct Respondent to provide training to all of its employees and managers at the Mine about miners' protected rights under the Mine Act, especially with regard to miners' rights to raise safety concerns to Respondent and communicate confidentially with MSHA about safety and health matters, and also provide training to employees and managers that it is prohibited to discourage miners from engaging in protected activities or interfere with miners' rights to engage in protected activities or discriminate against miners for engaging in protected activity under the Mine Act. Respondent shall also provide MSHA an opportunity to review and make changes to the content of this training prior to giving the training to its employees and managers;

x. An order granting any and all additional relief to which the Secretary and/or Complainant Baumann may be entitled.

Respectfully submitted,

SEEMA NANDA  
Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

EVERT H. VAN WIJK  
Associate Regional Solicitor

Office of the Solicitor  
U.S. Department of Labor  
2300 Main St., Suite 10100  
Kansas City, MO 64108  
Telephone: (816) 285-7277  
Facsimile: (816) 285-7287

/s/ Laura O'Reilly  
Laura O'Reilly  
Elaine Smith

Attorneys for  
Acting Secretary of Labor, United States

oreilly.laura.m@dol.gov  
smith.elaine.m@dol.gov

Department of Labor

**CERTIFICATE OF SERVICE**

I hereby certify that a correct copy of the foregoing Complaint was served by certified mail and by email on this 17th day of August, 2023, on:

Russell Tidaback  
American Tripoli  
222 Oneida Street  
Seneca, MO 64865  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Respondent

I hereby certify that a correct copy of the foregoing Complaint was served by email on this 17th day of August, 2023, on:

Robert Baumann  
Baumannr24@gmail.com

Complainant

/s/ Laura O'Reilly

# **Exhibit A**

# Discrimination Complaint

## U.S. Department of Labor Mine Safety and Health Administration



### Section A - This block is for MSHA Use Only.

1. District MADISONVILLE	2. Field Office ROLLA	3. Date Filed 4/25/2023	4. Received By CVanover	Case Number MADI-CD-2023-03
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### Section B - Complainant completes the rest of the form.

#### 1. Complainant(s) - Person(s) Discriminated Against

Name(s)	Address(es)	Phone Number w/Area Code
ROB BAUMANN	[REDACTED]	[REDACTED]
		baumannr24@gmail.com

2. Has the discriminatory action resulted in your being suspended, laid off, or discharged? ☒ YES ☐ NO  
2a. If YES, Do you seek temporary reinstatement? ☐ YES ☒ NO

3. Date of discriminatory action: 4/17/2023	4. Kind of job you had at the discriminatory action: PRODUCTION SUPERVISOR
5. Rate of regular pay at the time of discriminatory action: \$20/HR	6. Number of regular hours worked each week (Based on last 12 months of work): 40
7. Rate of overtime pay at the time of discriminatory action: N/A	8. Average number of overtime hours worked each week (Based on last 12 months of work): N/A

### Section C - Respondent - Organization Committing Discrimination

1. Name of Company AMERICAN TRIPOLI	2. Address 222 ONIEDA ST, SENECA MO 64865	3. Area Code/Phone Number 239-829-5457
4. Mine ID Number (if known) 23-00504	5. Mine Name MOSenecaMfr LLC dba American Tripoli	6. Area Code/Phone Number at Mine

### Section D - Person(s) Responsible for Discriminatory Action

1. Name(s)	2. Job Title
RUSSELL TIDABACK	OWNER
JORDAN TIDABACK	OWNER
JOHN SPEARS	OPERATIONS MANAGER

**Section E -** If you desire that a copy of all correspondence addressed to you from MSHA be provided to a representative (e.g. Union representative, attorney, etc.) please give his/her name and address to the right.

Please use MSHA form 2000-124, Discrimination Report, to provide a summary of your complaint explaining what discriminatory action was taken against you, including the date, the time, and location of the action. Explain why you believe this action was discriminatory, and describe the relief being sought (for example, reinstatement, back pay, etc).

Exhibit No. / Pg No. /



# Discrimination Report

U.S. Department of Labor  
Mine Safety and Health Administration



Discrimination Complaint of name(s)  
ROB BAUMANN

Case Number

## Summary of Discriminatory Action

On 4/17/2023, I was terminated without cause. The letter that I was given stated that I was not doing satisfactory work even though I've never had any type of write up. I believe that I was terminated due to speaking with MSHA regarding various issues. I oversee employees and they were worried about their pay when the operation was shut down on 4/12/2023 and I questioned management about everyone's pay. They sent me a text on 4/16 to come in at 8:00 on 4/17/2023. Upon arriving for the meeting, John Spears handed me a termination letter stating that I had been let go effective immediately based on my job performance or lack thereof, when I had never had issues before.

I want to receive compensation from my last day of employment until I find a new position elsewhere. *plus 2 weeks pay*

*Robert Baumann*  
Signature(s) of Complainant(s)

*4-24-2023*  
Date



**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9950  
FAX: 202-434-9949

August 17, 2023

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American  
Tr  
Mine ID: 23-00504

The discrimination Complaint, filed under Section 105(c) of the Federal Mine Safety and Health Act of 1977, was received in this office on August 17, 2023.

The Complaint has been assigned the above-referenced docket number. Please refer to this number in all future communication.

Pursuant to Procedural Rule 43 of the Federal Mine Safety and Health Review Commission, the operator's Answer must be filed within 30 days after service of the Complaint to the operator.



Glynn F. Voisin  
Chief Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
RTidaback@deedyco.com

Laura O'Reilly, Esq., Elaine Smith, Esq, U.S. Department of Labor, 2300 Main St., Suite 10100  
Kansas City, MO 64108, oreilly.laura.m@dol.gov, smith.elaine.m@dol.gov

Robert Baumann, Baumannr24@gmail.com

/CAH

**Mailing Address:**

2701 East Grauwlyer Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

September 13, 2023

Federal Mine Safety and Health Review Commission  
Office of the Chief Administrative Law Judge  
1331 Pennsylvania Ave., N.W., Suite 520N  
Washington, DC 20004-1710

Re: **Docket No. CENT 2023-0251 - Operator's Answer**

Dear Commissioners,

I write on behalf of American Tripoli, a limited liability company doing business as MOSenecaMfr LLC dba American Tr mine ("Respondent"). I hereby submit Respondent's answer to the complaint filed pursuant to Section 105(c) of the Federal Mine Safety and Health Act of 1977 (the "Mine Act") by the Secretary of Labor ("the Secretary") on behalf of Mr. Robert Baumann ("Complainant").

## **I. Introduction**

Respondent categorically denies the allegations contained in the complaint. The termination of Mr. Baumann was not retaliatory but a result of his inadequate performance and demonstrated lack of judgment in his role as a shift lead. To support this assertion, Respondent provides the following responses to the specific allegations.

## **II. Count I: Discrimination**

1. **Role Clarification:** Respondent disputes Mr. Baumann's role as a production supervisor, clarifying that he was a shift lead with limited authority, responsibility, and no prior supervisory experience. Mr. Baumann's job title and performance history are essential context.
2. **Absence of Safety Complaints:** Respondent challenges the claim that Mr. Baumann made safety complaints and raised safety concerns. There is a notable absence of evidence supporting these allegations.
3. **Lack of Involvement in MSHA Inspections:** Respondent contends that Mr. Baumann did not participate in MSHA inspections as a representative of miners. No documentation substantiates his involvement in these inspections.
4. **Termination Based on Performance:** Respondent emphasizes that Mr. Baumann's termination was entirely performance-related. His consistent incompetence and lack of improvement despite counseling and guidance justified this action.

## **III. Count II: Interference**

**Mailing Address:**

2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

1. **Intent of Communication:** Respondent clarifies the intention behind John Spears' message to miners during the MSHA inspection, emphasizing that it was not meant to interfere but to provide a point of contact and ensure accurate information transfer.
2. **Respect for Miner Rights:** Respondent reaffirms its commitment to respecting miners' rights to report safety or health issues to MSHA and participate in inspections without interference.
3. **Withdrawal Order Response:** Respondent denies any interference with the issuance of the withdrawal order and contends that it was unjustified and excessive. The response to the order was necessary to protect the mine's operations.

**IV. Proposed Civil Penalties**

Respondent argues that the proposed civil penalties are unjustified and unwarranted, given the circumstances of Mr. Baumann's termination and the alleged violations. Respondent maintains its commitment to safety and compliance.

**V. Conclusion**

In conclusion, Respondent respectfully requests that the Commission dismiss the complaint against it. Respondent is committed to cooperating with MSHA inspections and addressing legitimate safety concerns in a responsible and compliant manner.

We remain available to provide any further information or documentation necessary to address this matter. Thank you for your attention to this response.

Sincerely,

*Russell Tidaback*

Russell Tidaback

American Tripoli

Russell.Tidaback@AmericanTripoli.com

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9950  
FAX: 202-434-9949

September 19, 2023

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American  
Tr  
Mine ID: 23-00504

**ORDER OF ASSIGNMENT**

This case is hereby assigned to Administrative Law Judge William Moran. All future communications regarding this case should be addressed to Judge Moran at the following address:

Federal Mine Safety and Health Review Commission  
1331 Pennsylvania Avenue, N.W., Suite 520N  
Washington, D.C. 20004-1710  
Telephone No. (202) 577-6809-cell  
Email- [wmoran@fmshrc.gov](mailto:wmoran@fmshrc.gov)

**The name of the assigned judge must be placed in the upper right hand corner of the first page of every pleading. The judge's name and docket number must be included on all pleadings. Failure to do so may result in a delay in case proceedings.**



Glynn F. Voisin  
Chief Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO  
64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))

/WAFJ

JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
Respondent.	)	

Petitioner hereby enters the appearance of the undersigned attorney as counsel for the Acting Secretary of Labor in the above-styled case in addition to the Acting Secretary's Attorney. All pleadings and correspondence should henceforth be addressed to Laura M. O'Reilly and Elaine M. Smith at U.S. Department of Labor, Office of the Solicitor, 2300 Main Street, Suite 10100, Kansas City, Missouri 64108.

Attorneys for the Acting Secretary

**CERTIFICATE OF SERVICE**

Service of the foregoing Entry of Appearance has this date been made by mailing a copy thereof by electronic mail, to:

Russell Tidaback  
American Tripoli  
2701 E. Grauwlyer Road  
Building 1, Dept. 1008,  
Irving, TX 75061  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Robert Baumann  
[Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

Dated this 5<sup>th</sup> day of October, 2023.

/s/ Elaine M. Smith



**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
FAX: 202-434-9949

October 24, 2023

SECRETARY OF LABOR  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
obo ROBERT BAUMANN,  
Petitioner

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American TR  
Mine ID: 23-00504

**ORDER OF ASSIGNMENT TO SETTLEMENT COUNSEL**

This docket is before the Court<sup>1</sup> upon the discrimination Complaint filed by the Secretary of Labor (“Secretary”) pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977 (“Mine Act”), 30 U.S.C. § 815. The parties have requested that the Court assign the case to a Settlement Counsel and, by this Order, the Court has agreed to the request. While the parties hope that a settlement can be reached, proactively, upon conferring with the parties next week, the Court will set a hearing date.

Commission Procedural Rule 55 grants Commission Judges broad powers to issue orders and procedurally manage cases before them. 29 C.F.R. § 2700.55. The Court has determined that prior to a hearing the parties would benefit from an opportunity to resolve this matter through a less formal process of facilitated negotiations. Accordingly, it is hereby **ORDERED** that this case be assigned to the Commission’s Settlement Counsel, Michelle Carter Williams, as the settlement attorney under my jurisdiction.

During the period this case is assigned to Settlement Counsel Williams, the parties are required to enter into good faith negotiations and to comply with negotiation procedures and deadlines. Settlement Counsel is authorized to conduct settlement negotiations, including face-to-face and telephonic negotiations, and may engage in *ex parte* communications with the parties and their representatives. Any such communications shall be privileged unless the party holding the privilege specifically authorizes their disclosure. Other than her role as Settlement Counsel in this matter, Ms. Williams will be barred from engaging in any substantive communications with, the Court or from working on this case for the Court, in accordance with 29 C.F.R. § 2700.82(b). Finally, any electronic or hard copies of materials provided to Settlement Counsel during the course of negotiations will be

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<sup>1</sup> Reference to the “Court” means the undersigned, as the presiding judge assigned to this docket.

destroyed when the Settlement Counsel's assignment terminates.

Representatives for the Secretary and Respondent **shall** contact Settlement Counsel Williams at: (202) 434-9961 or [mwilliams@fmshrc.gov](mailto:mwilliams@fmshrc.gov), no later than **Friday October 27, 2023**, to arrange a conference call between the parties, although Settlement Counsel may also elect to initiate contact prior to that date. During that conference call, the parties **shall** confer and discuss how they will use Ms. Williams to aid their settlement negotiations and to further their efforts to amicably dispose of this matter.

The parties should work with Settlement Counsel Williams in furthering their efforts to amicably dispose of this docket. The assignment of Ms. Williams to this case shall terminate **December 15, 2023**. In addition, any party is permitted to move for the termination of Settlement Counsel's handling of this matter and resolve the case through hearing and decision. The requesting party may do so by filing with me a Motion to Dismiss Settlement Counsel.

*William B. Moran*

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William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865, Email:  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Laura O'Reilly, Esq., U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108, Email: [oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov)

Elaine Smith, Esq., U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108, Email: [smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov)

Robert Baumann, Email: [Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
FAX: 202-434-9949

December 15, 2023

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251-DM  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American  
Tr  
Mine ID: 23-00504

**NOTICE OF HEARING**

Upon consultation with the parties, it was agreed that the hearing in this matter shall commence on **Tuesday, February 27, 2024, and continue through Friday, March 1, 2024.** The hearing will be held in **Joplin, MO or as close as possible to that location.** The particular courtroom location will be announced separately.

The hearing will be conducted in accordance with the Mine Act and the Commission's Procedural Rules addressing the subject, as set forth at 29 C.F.R. Part 2700, Subpart G. The issues to be resolved are as identified in the pleadings.

At the start of the proceeding each party shall submit an exhibit list. Each exhibit shall be marked; each of the Secretary's Exhibits are to be marked with a "P" or some other uniform designation, followed by a number, in sequence, and, in the same fashion, each of Respondent's Exhibits are to be marked with an "R" or with some other uniform designation, followed by a number, in sequence. Where practicable, exhibits should be assembled in a binder. Exhibits with multiple pages are to be separately and clearly numbered. This is important, as it will allow for quick access to a particular page within an exhibit and for a clear record of the page associated with testimony. The Court is to be provided with the parties' exhibit binders at the start of the hearing and the Court Reporter is also to be provided with a set of the exhibit binders.

**Prehearing Exchange:** A copy of each exhibit is to be provided to the opposing side. Each potential witness is also to be identified in the exchange, along with a brief statement of the expected testimony from that witness. This exchange is to occur by **Tuesday, January 30, 2024.** Supplemental exchanges may be made, as long as they are made in good faith and arising from information which was not reasonably available at the time of the initial exchange. Note

that, if a virtual hearing is required, the prehearing exchange requirements will be different. In such an event, the Court will advise the parties of those requirements.

Employing email, the parties are directed to acknowledge receipt of this Notice of Hearing to the Court and to confirm that their witnesses are available.

*William B. Moran*

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William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO 64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Elaine Smith, Esq, U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))

WH

JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
Respondent.	)	

Petitioner hereby enters the appearance of the undersigned attorney as counsel for the Acting Secretary of Labor in the above-styled case in addition to the Acting Secretary's Attorney. All pleadings and correspondence should henceforth be addressed to Laura M. O'Reilly, Elaine M. Smith, and Quinlan B. Moll at U.S. Department of Labor, Office of the Solicitor, 2300 Main Street, Suite 10100, Kansas City, Missouri 64108.

Attorneys for the Acting Secretary

**CERTIFICATE OF SERVICE**

Service of the foregoing Entry of Appearance has this date been made by mailing a copy thereof by electronic mail, to:

Russell Tidaback  
American Tripoli  
2701 E. Grauwlyer Road  
Building 1, Dept. 1008,  
Irving, TX 75061  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Robert Baumann  
[Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

Dated this 10<sup>th</sup> day of January, 2024.

/s/ Quinlan B. Moll



**UNITED STATES OF AMERICA**  
**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**  
1331 PENNSYLVANIA AVENUE NW, SUITE 520N  
WASHINGTON, DC 20004-1710

**SUBPOENA**

Acting Secretary of Labor, Mine Safety and Health  
Administration (MSHA) and Robert Baumann

Petitioner/Complainant/Contestant

v.

MOSenecaManufacturer Limited Liability Company  
d/b/a American Tripoli

Respondent

Docket Nos. CENT 2023-0251

**TO:** John Spears



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at a hearing in the above proceeding.

PLACE OF HEARING

DATE AND TIME



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above proceeding.

PLACE OF DEPOSITION

DATE AND TIME

Joplin Public Library, 1901 East 20th Street, Conference  
Room 4 (Art Kungle Jr Room), Joplin, Missouri 64804.

January 30, 2024, 9:30 a.m.



YOU ARE DIRECTED to bring the following items with you:

This subpoena is issued upon the application of (indicate if attorney/representative for party):

PERSON REQUESTING SUBPOENA

Quinlan B. Moll, U.S. DOL, Office of the Solicitor  
Attorneys for the Acting Secretary of Labor

ADDRESS, TELEPHONE AND FAX NUMBERS

2300 Main Street, Suite 10100, Kansas City, MO 64108  
Phone: 816-285-7284, Fax: 816-285-7287

ISSUED BY:

*William B. Moran*

William B. Moran  
Administrative Law Judge

January 16, 2024

Date

---

## PROOF OF SERVICE

---

SERVED: \_\_\_\_\_  
DATE

PLACE

SERVED ON (Print Name):

MANNER OF SERVICE:

SERVED BY (Print Name):

TITLE:

---

## DECLARATION OF SERVER

---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: \_\_\_\_\_  
Date

Signature of Server

Address of Server: \_\_\_\_\_

### **TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES**

#### **§ 2700.60 Subpoenas**

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

(b) *Fees payable to witnesses.* Subpoenaed witnesses shall be paid the same fees and mileage as are paid in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose request the witness appears, or by the Commission if a witness is subpoenaed on the motion of the Commission or a Judge. This paragraph does not apply to Government employees who are called as witnesses by the Government.

(c) *Motions to revoke or modify subpoenas.* Any person served with a subpoena may move within 5 [business] days of service or at the hearing, whichever is sooner, to revoke or modify the subpoena. The Commission or the Judge, as appropriate, shall revoke or modify the subpoena if it seeks information outside the proper scope of discovery as set forth in § 2700.56(b); or if it does not describe with sufficient particularity the evidence required to be produced; or if for any other reason it is found to be invalid or unreasonable. The Commission or the Judge shall set forth a concise statement of the grounds for such ruling.

[Any motion to revoke or modify a subpoena; must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

(e) *Failure to Comply.* Upon the failure of any person to comply with an order to testify or with a subpoena issued by the Commission or the Judge, the Judge or the Commission's General Counsel, at the request of the Judge or at the direction of the Commission, may undertake to initiate proceedings in the appropriate district court of the United States for the enforcement of the subpoena.

#### **TENDER OF FEES AND MILEAGE**

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b).

#### **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that service of the foregoing Subpoena was made upon the following, via certified mail, on January 27, 2024:

John Spears  
10396 Reindeer Dr.  
Granby, MO 64844

/s/ Quinlan B. Moll

# USPS Tracking<sup>®</sup>

FAQs >

Tracking Number:

Remove X

## 70132630000098540435

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 1:34 pm on January 27, 2024 in GRANBY, MO 64844.

Get More Out of USPS Tracking:

USPS Tracking Plus<sup>®</sup>

#### Delivered

Delivered, Left with Individual

GRANBY, MO 64844

January 27, 2024, 1:34 pm

#### Redelivery Scheduled

GRANBY, MO 64844

January 26, 2024

#### Redelivery Scheduled

January 25, 2024, 9:06 am

● **Arrived at Post Office**

NEOSHO, MO 64850  
January 25, 2024, 8:55 am

● **Departed USPS Regional Facility**

SPRINGFIELD MO DISTRIBUTION CENTER  
January 24, 2024, 9:37 pm

● **Arrived at USPS Regional Facility**

SPRINGFIELD MO DISTRIBUTION CENTER  
January 24, 2024, 12:43 pm

● **Arrived at USPS Regional Facility**

KANSAS CITY MO DISTRIBUTION CENTER  
January 23, 2024, 9:16 pm

● **Hide Tracking History**

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

**Text & Email Updates**



**USPS Tracking Plus®**



**Product Information**



**See Less** ^

Track Another Package

## FAQs

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
FAX: 202-434-9949

February 8, 2024

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251-DM  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American  
Tr  
Mine ID: 23-00504

**NOTICE OF HEARING LOCATION**

Upon consultation with the parties, it was agreed that the hearing in this matter shall commence on **Tuesday, February 27 and to continue as necessary through Friday, March 1, 2024**. The hearing shall begin promptly at **9:00 a.m.** The hearing location will be held in **Joplin, MO** at the location listed below:

**Jasper County Courts Building  
633 S. Pearl Ave.  
Courtroom A  
Joplin, MO 64801**

The hearing will be conducted in accordance with the Mine Act and the Commission's Procedural Rules addressing the subject, as set forth at 29 C.F.R. Part 2700, Subpart G. The issues to be resolved are as identified in the pleadings.

At the start of the proceeding each party shall submit an exhibit list. Each exhibit shall be marked; each of the Secretary's Exhibits are to be marked with a "P" or some other uniform designation, followed by a number, in sequence, and, in the same fashion, each of Respondent's Exhibits are to be marked with an "R" or with some other uniform designation, followed by a number, in sequence. Where practicable, exhibits should be assembled in a binder. Exhibits with multiple pages are to be separately and clearly numbered. This is important, as it will allow for quick access to a particular page within an exhibit and for a clear record of the page

associated with testimony. The Court is to be provided with the parties' exhibit binders at the start of the hearing and the Court Reporter is also to be provided with a set of the exhibit binders.

**Prehearing Exchange:** A copy of each exhibit is to be provided to the opposing side. Each potential witness is also to be identified in the exchange, along with a brief statement of the expected testimony from that witness. This exchange should have occurred by **Tuesday, January 30, 2024**. Supplemental exchanges may be made, as long as they are made in good faith and arising from information which was not reasonably available at the time of the initial exchange. Note that, if a virtual hearing is required, the prehearing exchange requirements will be different. In such an event, the Court will advise the parties of those requirements.

Employing email, the parties are directed to acknowledge receipt of this Notice of Hearing to the Court and to confirm that their witnesses are available.

*William B. Moran*

---

William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO 64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Elaine Smith, Esq., U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov))

Quinlan B. Moll, Esq., U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([Moll.Quinlan.B@dol.gov](mailto:Moll.Quinlan.B@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))

WH

JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
Respondent.	)	

Pursuant to the Commission’s Rule 2700.10, the Acting Secretary hereby brings this Motion to Exclude Respondent’s late disclosed witness and exhibits from the hearing of this matter. In support of this Motion, the Acting Secretary states as follows:

- 1) Pursuant to this Court's December 15, 2023, Notice of Hearing, the parties were to make their Prehearing Exchange with a copy of each exhibit and identification of each potential witness by January 30, 2024.
- 2) The Acting Secretary, through counsel, made this Prehearing Exchange timely, on January 30, 2024, providing a witness and exhibit list and providing pre-marked copies of the potential exhibits<sup>1</sup>.

- 3) Respondent failed to meet this deadline. However, on January 31, 2024,

Respondent emailed counsel for the Acting Secretary providing an exhibit list identifying one

1

exhibit along with the copy of the one exhibit and a witness list<sup>2</sup>. The January 31 email is attached hereto as Exhibit A; the January 31 witness list is attached hereto as Exhibit B; and the January 31 exhibit list is attached hereto as Exhibit C. Respondent gave no explanation for why this Prehearing Exchange, provided one day after the Court’s deadline, was not provided timely.

4) On February 8, 2024, nine days after the deadline for the Prehearing Exchange, Respondent, for the second time, made a late disclosure of a new witness list and provided 36 exhibits Respondent proposes to use at trial. The February 8 witness list identifies one witness, Mr. Max Drake and “Any witness on the Secretary’s witness list” and “any witness needed for rebuttal.” February 8 Witness List, attached hereto as Exhibit D. Respondent again gave no explanation as to why the new witness and 35 additional exhibits were not provided timely.

5) Further, Respondent has attempted to include at least five exhibits into its exhibits for the hearing which were not produced in discovery but would have been responsive to discovery requests.<sup>3</sup> As such, not only were these proposed exhibits provided late, they were also not produced in discovery preventing the Acting Secretary the opportunity to use any such exhibits in depositions or to request further information about such documents in discovery. Discovery closed in this case on February 7, 2024.

6) The Court’s Notice of Hearing states that supplemental exchanges can be made “in good faith and arising from information which was not reasonably available at the time of the

---

2 The witness list contained a typo stating that the witnesses to be called would be “Any witness on Respondent’s witness list”. Counsel for the Acting Secretary clarified on January 31, 2024, that Respondent meant any witness on the Secretary’s witness list, and Respondent confirmed that Respondent meant any witness on the Secretary’s list. *See* Exhibit A at page 2.

3 For example, Exhibit C is an excel spreadsheet of workplace exams, but only the PDF was provided in discovery. Exhibit D is a spreadsheet that was not produced in discovery regarding MSHA inspections and the status of the inspections and citations. Exhibit CC are teams chats with Rob Baumann and Mr. Tidaback that were not produced in their entirety in discovery and these chats contain extra commentary by Respondent at the top of the document. Exhibit G contains an email to MSHA regarding a mine inspector which was not produced in discovery. Exhibit J contains a list of Supervisor v. Lead classification that was not produced in discovery.



initial exchange.” There is no indication or information to suggest that any of the exhibits provided on February 8, 2024 were not reasonably available at the time of the initial exchange. The 36 exhibits consist of documents dated in 2023 or earlier which would have all been available to Respondent by the Court’s January 30, 2024 deadline for the Prehearing Exchange. As such, the Court should exclude all of the 35 new exhibits presented by Respondent on February 8, 2024 from the hearing on this matter along with the newly disclosed witness.

7) Pursuant to Commission Rule 2700.10(c), counsel for the Acting Secretary conferred by email with Respondent’s representative on this Motion and Respondent is opposed to this Motion. Counsel for the Acting Secretary indicated in that email that there was no indication that any of the exhibits were not available to Respondent as of January 30, 2024. In response, Respondent did not claim that the documents were unavailable as of January 30, 2024.

WHEREFORE, the Acting Secretary respectfully requests the Court exclude Respondent’s witness identified on February 8 and the 35 new exhibits identified on February 8 from the hearing in this case.

Respectfully submitted,

Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100

/s/ Laura O’Reilly  
Laura O’Reilly  
Elaine Smith

Kansas City, MO 64108  
(816) 285-7260  
(816) 285-7277 (direct line-O'Reilly)  
(816) 285-7287 facsimile  
[Oreilly.laura.m@dol.gov](mailto:Oreilly.laura.m@dol.gov)  
[Smith.elaine.m@dol.gov](mailto:Smith.elaine.m@dol.gov)  
[Moll.Quinlan.B@dol.gov](mailto:Moll.Quinlan.B@dol.gov)

Quinlan Moll

Attorneys for the Acting Secretary

### **CERTIFICATE OF SERVICE**

Service of the foregoing Motion to Exclude has this date been made by mailing a copy thereof  
by electronic mail, to:

Russell Tidaback  
American Tripoli  
2701 E. Grauwlyer Road  
Building 1, Dept. 1008,  
Irving, TX 75061  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Robert Baumann  
[Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

Dated this 9th day of February 2024.

/s/Laura O'Reilly

# **Exhibit A**

**From:** [Russell Tidaback](#)  
**To:** [O'Reilly, Laura M - SOL](#)  
**Cc:** [Smith, Elaine M - SOL](#); [Moll, Quinlan B - SOL](#); [Rob Baumann](#); [Russell Tidaback](#)  
**Subject:** Re: Secretary/Baumann v. American Tripoli-CENT 2023-0251 Prehearing Exchange  
**Date:** Wednesday, January 31, 2024 7:04:40 AM  
**Attachments:** [image001.png](#)

---

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Good morning. My appologies, yes, any witness on the secretary's witness list.

Russell

---

**From:** O'Reilly, Laura M - SOL <OReilly.Laura.M@dol.gov>  
**Sent:** Wednesday, January 31, 2024 8:01 AM  
**To:** Russell Tidaback <RTidaback@deedyco.com>  
**Cc:** Smith, Elaine M - SOL <Smith.Elaine.M@dol.gov>; Moll, Quinlan B - SOL <Moll.Quinlan.B@dol.gov>; Rob Baumann <baumannr24@gmail.com>  
**Subject:** RE: Secretary/Baumann v. American Tripoli-CENT 2023-0251 Prehearing Exchange

Russell,

Your witness list states in number one, any witness on "Respondent's" witness list. Did you mean to state "Any witness on the Secretary's witness list".

Please clarify.

Thank you,

Laura O'Reilly  
Senior Trial Attorney  
U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108  
(816) 285-7277  
(816) 285-7287 (fax)

This message may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this e-mail in error, please notify the sender immediately.

---

**From:** Russell Tidaback <RTidaback@deedyco.com>

**Sent:** Wednesday, January 31, 2024 5:08 AM

**To:** O'Reilly, Laura M - SOL <OReilly.Laura.M@dol.gov>

**Cc:** Smith, Elaine M - SOL <Smith.Elaine.M@dol.gov>; KC - Docket - SOL <SOL.KC.Docket@DOL.gov>; Moll, Quinlan B - SOL <Moll.Quinlan.B@dol.gov>; Rob Baumann <baumannr24@gmail.com>; Russell Tidaback <RTidaback@deedyco.com>

**Subject:** Re: Secretary/Baumann v. American Tripoli-CENT 2023-0251 Prehearing Exchange

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Hello.

Attached is the Respondents Witness List and Exhibit List.

Russell Tidaback

[CENT 2023-0251 Respondent Witness List.pdf](#)

[MSHA Email stating there are no Miners Representatives at our site - 14NOV2023.pdf](#)

[CENT 2023-0251 Respondent Exhibit List.pdf](#)

Managing Member



[AmericanTripoli.com](http://AmericanTripoli.com)

Shipping/Receiving Warehouse: 5 Oneida St, Seneca, MO 64865  
Administration Office: 222 Oneida St, Seneca, MO 64865  
Mailing Address: 2701 East Grauwlyer Road, Bldg 1, Dept# 1008, Irving, TX 75061-3414

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---

**From:** O'Reilly, Laura M - SOL <OReilly.Laura.M@dol.gov>  
**Sent:** Tuesday, January 30, 2024 8:42 AM  
**To:** Russell Tidaback <RTidaback@deedyco.com>  
**Cc:** Smith, Elaine M - SOL <Smith.Elaine.M@dol.gov>; KC - Docket - SOL <SOL.KC.Docket@DOL.gov>; Moll, Quinlan B - SOL <Moll.Quinlan.B@dol.gov>; Rob Baumann <baumannr24@gmail.com>  
**Subject:** Secretary/Baumann v. American Tripoli-CENT 2023-0251 Prehearing Exchange

Good morning,

Attached is the Acting Secretary's Prehearing Exchange, containing the Witness List and Exhibit List. The pre-marked exhibits for the exhibit list will be sent in a separate email containing a link to download the exhibits.

Regards,

Laura O'Reilly  
Senior Trial Attorney  
U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108  
(816) 285-7277  
(816) 285-7287 (fax)

This message may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this e-mail in error, please notify the sender immediately.

# **Exhibit B**

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**RESPONDENTS WITNESS LIST**

Pursuant to the Court's Notice of Hearing, the Acting Secretary submits its witness list as part of the Prehearing Exchange.

- 1) Any witness on Respondent's witness list
- 2) Any witness needed for rebuttal

Respondent reserves the right to amend this witness list



## **ANSWERS FOR PRODUCTION OF DOCUMENTS**

1. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a daily basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

2. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a weekly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

3. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a monthly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

4. Produce the documents reflecting production at the MOSenecaMfr LLC dba American Tr mine from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

Respectfully submitted,

Russell Tidaback  
American Tripoli

# **Exhibit C**

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**RESPONDENTS EXHIBIT LIST**

Pursuant to the Court's Notice of Hearing, the Acting Secretary submits its Exhibit list as part of the Prehearing Exchange.

<b><u>Exhibit No.</u></b>	<b><u>Exhibit Description</u></b>
---------------------------	-----------------------------------

R-1	MSHA response email regarding miner representative
-----	--

## **ANSWERS FOR PRODUCTION OF DOCUMENTS**

1. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a daily basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

2. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a weekly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

3. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a monthly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

4. Produce the documents reflecting production at the MOSenecaMfr LLC dba American Tr mine from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

Respectfully submitted,

Russell Tidaback  
American Tripoli

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**RESPONDENTS WITNESS LIST**

Pursuant to the Court's Notice of Hearing, the Respondent submits its witness list as part of the Prehearing Exchange.

- 1) Mr. Max Drake – Prior American Tripoli Miners Representative
- 2) Any witness on the Secretary's witness list
- 3) Any witness needed for rebuttal

Respondent reserves the right to amend this witness list

## **ANSWERS FOR PRODUCTION OF DOCUMENTS**

1. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a daily basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

2. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a weekly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

3. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a monthly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.



4. Produce the documents reflecting production at the MOSenecaMfr LLC dba American Tr mine from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

Respectfully submitted,

Russell Tidaback  
American Tripoli

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MOSENECAMANUFACTURER LIMITED LIABILITY COMPANY  
d/b/a AMERICAN TRIPOLI  
Respondent

February 14, 2024

Judge William B. Moran  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710

Re: Motion to Exclude Late Disclosed Witnesses and Exhibits filed by the Acting Secretary, Docket No. CENT 2023-0251  
Mine: MOSenecaMfr LLC dba American Tr Mine ID: 23-00504

Dear Judge Moran,

I am writing in response to the Acting Secretary's Motion to Exclude Respondent's Late Disclosed Witnesses and Exhibits, filed on [date of filing]. I appreciate the opportunity to address this matter before the court.

As outlined in the Notice of Hearing, the prehearing exchange deadline for exhibits and witness lists was set for January 30, 2024. While I acknowledge that our supplemental exchange occurred after this deadline, I assure the court that it was made in good faith.

We encountered difficulties in compiling and organizing the information within the specified timeframe. Despite our best efforts, we were unable to meet the original deadline set by the court.

I would like to emphasize that the exhibits were not intentionally withheld or kept hidden from the Acting Secretary. Rather, all the exhibits except for Exhibit J, as annotated below, were provided or were available to the Secretary before the court's deadline, and we believe these documents are crucial to the fair presentation of our case.

To the points raised by the Secretary:

The Secretary stated, "At no time prior to either late disclosure did Respondent attempt to confer with the Secretary about the late disclosures, request leave to make late disclosures, or offer an explanation as to why the proposed witness and exhibits were not provided to the Secretary by the Prehearing Exchange deadline." Below is the email I sent to the Secretary on February 8, 2024, explaining why the exhibits were late and offering my time to respond to any questions or details needed by the Secretary.

In the email sent to the Secretary on February 8, 2024, I wrote "Thank you for bringing these matters to my attention, and I sincerely apologize for any inconvenience caused by the delayed submission of the exhibits and witness list.

Regarding Exhibit F, I have attached it for your review as requested.

As for the lateness of the exhibits and witness list, I understand and acknowledge your concerns. I regret any inconvenience caused and assure you that I am committed to meeting the court's deadlines in the future. The delay in supplemental production stemmed from the complexity of the task and the competing demands on my time as a sole individual managing both legal obligations and operational responsibilities.

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Office (239) 829-5457

Despite these challenges, I made every effort to comply with the Court's Order to the best of my ability. The compilation and organization of the exhibits and witness list required additional time and effort, given the scope of the case and my limited resources.

I understand your intention to file a Motion to Exclude these materials, and I am prepared to oppose it and request a conference with the judge if necessary. However, I hope we can resolve this matter without the need for such action.

I am committed to ensuring that all necessary information is provided in a timely and comprehensive manner. Please let me know if you require any additional information or clarification. I will gladly go into detail discussion with you. Thank you for your understanding and cooperation in this matter."

It was also my understanding, as worded in the court's instructions, that I could add documents prior to the hearing date if I am acting in good faith and can explain its purpose.

1. Regarding the Secretary's claim to the exhibits as altered:

- **Exhibit B:** The differences in dates and the addition of entries were due to the nature of the document's origin, which was created from the same online notes page. Any perceived alterations were unintentional and do not affect the substance of the information provided.
- **Exhibit C:** The format of this exhibit was changed to PDF for ease of sharing, but the data remains unchanged.
- **Exhibit U:** Similar to Exhibit C, this exhibit was provided in a different format but contains the same information.

2. Regarding the Secretary's claim to the exhibits as not provided in discovery or the Secretary's investigation:

**Exhibit D:** Secretary has the or has access to the information as shown in the Secretary's exhibits P-20, P-21, and P-22. Exhibit D is one step further than the Secretary's exhibits filtered by CFR standard and Mr. Baumann's employment timeframe.

**Exhibit E, G, and H:** Secretary has access to all email correspondence to or from MSHA personnel. I am told that certain communications from MSHA is confidential.

**Exhibit EE:** Secretary was given this chat result. It is in the Secretary's Exhibit P-12, page 11 of 23 and the Secretary has access to the MSHA personnel email correspondence discussed in the chat messages for further clarification.

**Exhibit J:** The Secretary may not have been given this document as I do not see it in any correspondence. This document may have been moved from the HR folder to the employee training folder sometime during all of these discovery requests from the secretary. It is an American Tripoli HR classification document differentiating a Supervisor position vs a Lead Worker position. Questions could arise from this document if there are questions regarding was Mr. Baumann a Supervisor or a Lead.

**Exhibit P:** Secretary was given this chat result. It is in the Secretary's Exhibit P-9. It is a reference to MSHAs guide to equipment guarding, for all in the maintenance group to read and be aware of. Mr. Baumann was part of this

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group.

**Exhibit Q:** Secretary has been provided with all of our miner training documents. This is included in those files.

**Exhibit Z:** Secretary was given this information. It is in the Secretary's Exhibit P-39. Mr. Alex Snodgrass position offer is only supplemental information.

I hope this clarifies any confusion, and I apologize if I am the cause of any misunderstanding.

I respectfully request that the court allow the late submission to be admitted into evidence. Excluding this evidence would unfairly prejudice our ability to present our case and would not serve the interests of justice.

Thank you for your attention to this matter. I am available to provide any further clarification or information as needed.

Sincerely,

*Russell Tidaback*

Russell Tidaback  
Managing Member  
Russell.Tidaback@AmericanTripoli.com

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MOSENECAMANUFACTURER LIMITED LIABILITY COMPANY  
d/b/a AMERICAN TRIPOLI  
Respondent

February 14, 2024

Judge William B. Moran  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710

MOTION TO EXCLUDE WITNESSES FROM THE ACTING SECRETARY'S WITNESS LIST, Docket No. CENT 2023-0251 Mine:  
MOSenecaMfr LLC dba American Tr Mine ID: 23-00504

Dear Judge Moran,

**INTRODUCTION**

Respondent, MOSENECAMANUFACTURER LIMITED LIABILITY COMPANY d/b/a AMERICAN TRIPOLI ("Respondent"), hereby submits this Motion to Exclude Witnesses from the Acting Secretary's Witness List.

I am writing to address the inclusion of certain witnesses on the Complainant's witness list in the upcoming hearing regarding the discrimination case involving Mr. Baumann's termination.

It is my firm belief that the witnesses listed by the Complainant should not be allowed to testify for the following reasons:

1. **Lack of Involvement in Decision Making:** None of the witnesses listed by the Complainant were directly involved in the decision-making process leading to Mr. Baumann's termination, except for Mr. Spears, Ms. Tidaback, and myself. Therefore, their testimony would not be relevant to the central issue of the case.
2. **Absence of Supervisory Relationship:** Additionally, none of the witnesses listed were supervisors to Mr. Baumann. As such, they did not oversee, mentor, or direct Mr. Baumann's decision-making process during his employment. Testimony from individuals without a supervisory relationship with Mr. Baumann would not contribute to a comprehensive understanding of the circumstances surrounding his termination.
3. **Scope of Testimony:** Miner witnesses may offer insights into the general conditions and practices at the mine during Mr. Baumann's employment but are not the basis of this case. However, if allowed, their testimony should be limited to matters directly related to Mr. Baumann's job performance, which would be opinionated, Mr. Baumann's protected activity, which they are probably not aware of Mr. Baumann performing or claim to be, and interactions with mine owners and managers, which again would be speculative and opinionated at best. Any testimony beyond these parameters would be extraneous and potentially prejudicial.

In light of these considerations, I respectfully request that the Court exclude the witnesses listed by the Complainant from testifying in the upcoming hearing. Doing so would ensure that the proceedings remain focused on the pertinent issues and promote a fair and efficient resolution of the case.

**BACKGROUND**

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The Acting Secretary has submitted a witness list containing several named individuals, including Mr. Keith Markeson and Mr. Bryan Licklider, both MSHA Authorized Representatives from the Rolla Field Office. It is imperative to exclude these witnesses from the Acting Secretary's witness list due to specific concerns regarding their impartiality and actions related to the ongoing proceedings.

**BASIS FOR EXCLUSION**

**Mr. Keith Markeson:** Mr. Markeson has been directly involved in the MSHA inspections at our mine and has pending MSHA discrimination cases against him. These open discrimination claims against Mr. Markeson raise serious doubts about his ability to provide impartial testimony in this matter. His inclusion as a witness could unduly influence the proceedings and prejudice the Respondent's case.

**Mr. Bryan Licklider:** Mr. Licklider's inclusion as a witness is similarly problematic due to an incident where he allegedly threatened our employees during an inspection. This behavior undermines his credibility as a witness and raises concerns about the reliability of his testimony. Allowing Mr. Licklider or anyone associated with this incident to testify would create an unfair advantage for the Acting Secretary and could lead to an unjust outcome.

**LEGAL BASIS**

The exclusion of witnesses from the Acting Secretary's witness list is warranted under Rule 67 of the Federal Mine Safety and Health Review Commission's procedural rules. Rule 67 allows for the exclusion of witnesses upon a showing of good cause, which is clearly demonstrated in this case due to the specific concerns outlined above.

**CONCLUSION**

In light of the concerns raised regarding the impartiality and credibility of Mr. Keith Markeson and Mr. Bryan Licklider, the Respondent respectfully requests that the Commission exclude these witnesses from the Acting Secretary's witness list. Their inclusion would prejudice the fairness of the proceedings and undermine the integrity of the legal process.

**Respectfully submitted,**

*Russell Tidaback*

Russell Tidaback  
Managing Member  
Russell.Tidaback@AmericanTripoli.com

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
FAX: 202-434-9949

February 14, 2024

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251-DM  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC,  
dba American Tr  
Mine ID: 23-00504

**ORDER DIRECTING RESPONDENT TO SUPPLY THE COURT WITH A COPY OF  
ALL 36 EXHIBITS PROPOSED FOR USE AT THE HEARING**

In the process of reviewing the Acting Secretary's Motion to Exclude Respondent's Late Disclosed Witnesses and Exhibits, the Court has determined, and the Respondent is **DIRECTED**, to **promptly** provide the Court with a full, hard copy (i.e. paper copy), set of all 36 exhibits it has proposed to use at the hearing. *Any* discrepancy or variation from the 36 exhibits provided to the Secretary are to be identified in the cover sheet from the Respondent accompanying the exhibits. The complete set of these exhibits is to be mailed, without delay, using a delivery tracking system, such as USPS, UPS, or an equivalent service. The proposed exhibits are to be mailed to the Court's home office address:

Judge William B. Moran  
29 Skipjack Way  
Brewster, MA 02631

Mailing the proposed exhibits to the Court does not imply their admission into the record at the hearing, as considerations such as materiality, relevancy, and other considerations may impact their admission.

Employing email, the parties are directed to acknowledge receipt of this ORDER.

*William B. Moran*

William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO 64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Elaine Smith, Esq, U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))



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MOSENECAMANUFACTURER LIMITED LIABILITY COMPANY  
d/b/a AMERICAN TRIPOLI  
Respondent

February 14, 2024

Judge William B. Moran  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710

MOTION TO REMOVE COUNSEL DUE TO CONFLICT OF INTEREST, Docket No. CENT 2023-0251 Mine: MOSenecaMfr  
LLC dba American Tr Mine ID: 23-00504

Dear Judge Moran,

**INTRODUCTION**

Respondent, MOSENECAMANUFACTURER LIMITED LIABILITY COMPANY d/b/a AMERICAN TRIPOLI ("Respondent"), hereby submits this Motion to Remove Counsel Due to Conflict of Interest.

I, Russell Tidaback, representing the Respondent in the above-captioned matter, hereby file this Motion to Remove Counsel Due to Conflict of Interest. As a party to this proceeding, it is my duty to ensure that all aspects of the legal process are conducted fairly and impartially. However, I must preface this motion by stating that I am not a licensed attorney and lack formal legal education. Nonetheless, it is my sincere belief that the conflict of interest described herein poses a significant threat to the fairness and integrity of the proceedings.

**Background:** The Respondent, is currently involved in numerous separate legal matters before the Federal Mine Safety and Health Review Commission (FMSHRC). These matters include contesting citations and orders issued by the Mine Safety and Health Administration (MSHA) and defending against discrimination complaints filed by Mr. Rob Baumann and Mr. Jim Hoover under Section 105(c) of the Federal Mine Safety and Health Act of 1977.

**Conflict of Interest:** The conflict of interest arises from the fact that attorneys representing the Complainants, namely Laura O'Reilly, Elaine Smith, and Quinlan Moll, are also simultaneously collaborating with external attorneys hired to represent our company in contesting Mine Safety and Health Administration (MSHA) citations and orders. This dual role presents a clear conflict of interest, as these attorneys are simultaneously advocating for the Complainants in the discrimination cases while actively engaging in legal proceedings against our company in the contested citations and orders.

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**Legal Basis:** This situation presents a clear conflict of interest, as Laura O'Reilly, Elaine Smith, and Quinlan Moll's dual roles may compromise their ability to act impartially in both matters. The American Bar Association's Model Rules of Professional Conduct, Rule 1.7, prohibit attorneys from representing clients where there is a significant risk of material limitation to the attorney's duties owed to another client.

**Impact on Fairness:** Allowing Laura O'Reilly, Elaine Smith, and Quinlan Moll to continue representing the complainants in the 105(c) discrimination cases while simultaneously collaborating with external attorneys hired to represent our company in contesting MSHA citations and orders creates an inherent conflict that undermines the fairness of the proceedings. It creates a situation where the interests of the Complainants may be prioritized over the rights and interests of the Respondent, potentially leading to an unjust outcome in either or both legal matters.

**Request for Relief:** In light of the foregoing, I respectfully request that the Commission take appropriate action to address this conflict of interest by removing Laura O'Reilly, Elaine Smith, and Quinlan Moll from their roles as counsel for the Complainants in the discrimination cases to avoid any further conflict of interest. This action is necessary to ensure that the legal proceedings are conducted in a manner that upholds the principles of fairness, impartiality, and due process. Alternatively, the Court may consider appointing independent counsel to represent the complainants in these cases to ensure fairness and impartiality.

**Conclusion:** The integrity of the legal process depends on the avoidance of conflicts of interest that may compromise the rights of the parties involved. The situation described herein presents a clear conflict of interest that must be addressed to safeguard the fairness and integrity of the proceedings. I urge the Commission to grant this motion and take appropriate measures to remove counsel due to conflict of interest.

**Respectfully submitted,**

*Russell Tidaback*

Russell Tidaback  
Managing Member  
Russell.Tidaback@AmericanTripoli.com

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
Respondent.	)	

ACTING SECRETARY’S OPPOSITION TO MOTION TO EXCLUDE

Pursuant to Commission Rule § 2700.10(d), the Acting Secretary files this opposition to Respondent’s Motion to Exclude Witnesses from the Acting Secretary’s Witness List and states the following in support:

1) As an initial matter, Respondent’s Motion should be denied as a matter of course because Respondent failed to comply with Commission Rule § 2700.10(c), as the Acting Secretary was not consulted prior to Respondent filing its Motion. The first the Acting Secretary learned of Respondent’s Motion to Exclude was when it was emailed on February 14, 2023. This is yet again, another example, of Respondent refusing to comply with the Commission’s rules and deadlines.<sup>1</sup>

2) Notwithstanding Respondent’s failure to comply with the Commission’s rules, Respondent’s Motion should also be denied as there is no merit to Respondent’s motion and request that witnesses be excluded. Although unclear, Respondent appears to be alleging that the

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<sup>1</sup> Respondent is choosing to represent itself through Russell Tidaback, rather than use the attorneys Respondent has hired for the other American Tripoli dockets before Judge Moran. In making that decision, Respondent is responsible for following the Court’s rules.

Acting Secretary's witnesses should be excluded from the hearing based on perceived relevancy concerns, except that Respondent appears to agree that the Acting Secretary could call on Respondent's owners and manager. It would be antithetical to the entire basis of a discrimination proceeding to only allow Respondent's management to testify as to the events at issue in the discrimination claim. While Respondent is entitled to put on its case, the Acting Secretary cannot and is not limited to only presenting adverse witnesses from the same owners and manager who have been identified as the individuals engaging in the alleged interference and discrimination.

3) Respondent cites no applicable authority or rules to support its Motion.<sup>2</sup> This failure to provide any supporting authority for its request is significant, as the Commission has stated that "the exclusion of critical evidence is an 'extreme' sanction, not normally to be imposed absent a showing of willful deception or 'flagrant disregard' of a court order by the proponent of the evidence." *Mark Gray v. North Fork Coal Corp.*, 35 FMSHRC 2349 (2013) (quoting *In re Paoli Railroad Yards PCB Litigation*, 35 F.3d 717, 791-92 (3rd Cir. 1994)). Further, "[r]elevant evidence, including hearsay evidence, that is not unduly repetitious or cumulative is admissible." 29 C.F.R. § 2700.63(a). Respondent has set forth no support that the Acting Secretary's inclusion of any witness in the Witness List is being done for the purpose of willful deception, nor that the Acting Secretary disregarded any court order. Further, Respondent has not set forth any information, other than the bare allegations of Respondent's owner, as to why any proposed witness does not have any relevant evidence.

4) It should be noted that the Acting Secretary has met all obligations with respect to its Witness List. The Acting Secretary complied with this Court's orders by producing its

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<sup>2</sup> Respondent cites to "Rule 67", however, Commission Rule § 2700.67 refers to motions for summary decision, which Respondent has not filed in this case and which does not address the relief requested by Respondent. Further, to the extent Respondent is seeking to file a motion for summary decision, the deadline has long passed as such filings must be made at least 25 days prior to the hearing, and the motion does not comply with multiple

proposed Witness List with a brief statement of the expected testimony from each witness by the Court's deadline, January 30, 2024. *See* Exhibit A; Notice of Hearing.

5) Further, the Acting Secretary's Witness List designates relevant and important witnesses which the Acting Secretary may call at the hearing in this case, for the purpose of proving the claims alleged in the Acting Secretary's Complaint, which alleges that Respondent both discriminated against Mr. Baumann and interfered with Mr. Baumann's and other miners' rights. Each witness has unique relevant evidence that will provide support for these claims. There is simply no basis for refusing to allow these witnesses to testify because Respondent does not believe the witnesses are necessary for this purpose. The Witness List sets forth a brief summary of the anticipated testimony from each witness, which shows that each witness has relevant information to the claims at issue in this case.<sup>3</sup> Respondent's motion neither addresses nor refutes that the witnesses' testimony, on the topics set forth in the Witness List, is relevant. Respondent appears to merely deny the allegations in the Complaint and speculates that these witnesses may not have relevant testimony based on Respondent's version of the facts.

6) As an additional matter, Respondent makes false accusations against MSHA inspectors in its Motion which, again, do not provide a basis for excluding the witnesses. Respondent alleges that Inspector Markeson is the subject of "pending MSHA discrimination cases against him" and that Inspector Licklider threatened employees during an inspection. Not only are these accusations false, these accusations provide no basis to exclude the testimony of witnesses with relevant information and are improper attempts to impeach the character and

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requirements for a motion for summary decision.

<sup>3</sup> The Acting Secretary does not believe she should, at this juncture, be required to provide any further support, other than the brief statement of expected testimony which is included in the Witness List itself, for why these witnesses are relevant. If the Court seeks further information about the evidence that will be presented through each witness, the Acting Secretary is prepared to make that showing. However, at this stage, the Acting Secretary argues that such a showing is not called for as the brief statement is sufficient and further disclosure would dive into protected attorney work product about the exact details of how the Acting Secretary will put on its case at trial.

credibility of witnesses before they have even testified. It appears that Respondent's litigation strategy is to make unsupported accusations against MSHA inspectors who have inspected the mine to MSHA, and this conduct cannot and should not provide any basis for excluding witnesses from a hearing.

7) Denying the Acting Secretary from presenting evidence through any of the timely disclosed witnesses would be extremely prejudicial to the Acting Secretary and Complainant as the Acting Secretary complied with this Court's rules, the witnesses have relevant, necessary evidence about the claims and allegations in this case, and Respondent has set forth no support or basis for their exclusion.

WHEREFORE, for the reasons stated herein, the Acting Secretary respectfully requests the Court deny Respondent's Motion to Exclude.

Respectfully submitted,

Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, MO 64108  
(816) 285-7260  
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[Moll.Quinlan.B@dol.gov](mailto:Moll.Quinlan.B@dol.gov)

/s/ Laura O'Reilly  
Laura O'Reilly  
Elaine Smith  
Quinlan Moll

Attorneys for the Acting Secretary

**CERTIFICATE OF SERVICE**

Service of the foregoing Opposition has this date been made by mailing a copy thereof by electronic mail, to:

Russell Tidaback  
American Tripoli  
2701 E. Grauwlyer Road  
Building 1, Dept. 1008,  
Irving, TX 75061  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Robert Baumann  
[Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

Dated this 16<sup>th</sup> day of February, 2024.

/s/ Laura O'Reilly

# **Exhibit A**



JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
Respondent.	)	

Appellate Case: 25-1349 Page: 67 Date Filed: 04/07/2025 Entry ID: 5503844

the inspections, and about Baumann's participation in MSHA inspections at the mine.

- 5) David Prewett, MSHA Authorized Representative, Rolla Field Office
  - a. Inspector Prewett is expected to testify about the conditions and practices at the mine, MSHA's inspections of the mine, and about Baumann's participation in MSHA inspections at the mine.
- 6) Miner witness no. 1, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62
  - a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.
- 7) Miner witness no. 2, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62
  - a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.
- 8) Miner witness no. 3, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62
  - a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.
- 9) Miner witness no. 4, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62
  - a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.
- 10) Miner witness no. 5, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62
  - a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.
- 11) Miner witness no. 6, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62
  - a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness

may also testify about their employment and disciplinary and termination practices at the mine.

12) Miner witness no. 7, to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62

- a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.

13) Miner witness no. 8 to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62

- a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.

14) Miner witness no. 9 to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62

- a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.

15) Miner witness no. 10 to be disclosed two days prior to trial pursuant to 29 C.F.R. § 2700.62

- a. Miner witness may testify about the conditions and practices at the mine during Baumann's employment, Baumann's job performance, Baumann's protected activity, and communications with mine owners and managers. Miner witness may also testify about their employment and disciplinary and termination practices at the mine.

16) John Spears, Respondent's Operations Manager

- a. Mr. Spears may testify regarding the conditions and practices at the mine, including communications with miners and owners during the relevant time period. Mr. Spears may also testify about Baumann's employment, termination and MSHA inspections.

17) Russell Tidaback

- a. Mr. Tidaback may testify about conditions and practices at the mine, including documents and messages sent by miners and management/owners/owners during the relevant time period. Mr. Tidaback may also testify about Baumann's employment, termination and MSHA inspections.

18) Jordan Tidaback

- a. Ms. Tidaback may testify about conditions and practices at the mine, including documents and messages sent by miners during the relevant time period. Ms. Tidaback may also testify about Baumann's employment, termination and MSHA inspections.

19) Any witness on Respondent's witness list

20) Any witness needed for rebuttal.

The Acting Secretary reserves the right to amend this witness list.

Respectfully submitted,

Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

U.S. Department of Labor  
Office of the Solicitor  
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/s/ Laura O'Reilly  
Laura O'Reilly  
Elaine Smith  
Quinlan Moll

Attorneys for the Acting Secretary

### **CERTIFICATE OF SERVICE**

Service of the foregoing Witness List has this date been made by mailing a copy thereof by electronic mail, to:

Russell Tidaback  
American Tripoli  
2701 E. Grauwlyer Road  
Building 1, Dept. 1008,  
Irving, TX 75061  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Robert Baumann  
[Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

Dated this 30th day of January, 2024.

/s/Laura O'Reilly

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor, )	DISCRIMINATION &
United States Department of Labor, and )	INTERFERENCE PROCEEDING
ROBERT BAUMANN )	DOCKET
Complainants, )	
v. )	Docket No. CENT 2023-0251-DM
MOSENECAMANUFACTURER LIMITED) )	
LIABILITY COMPANY d/b/a AMERICAN) )	Mine: MOSenecaMfr LLC dba
TRIPOLI, )	American Tr
Respondent. )	Mine Id No. 23-00504

**ACTING SECRETARY’S OPPOSITION TO RESPONDENT’S MOTION  
TO REMOVE COUNSEL DUE TO CONFLICT OF INTEREST**

Pursuant to Commission Rule § 2700.10(d), the Acting Secretary of Labor, U.S. Department of Labor (the “Acting Secretary”) files this Opposition to Respondent’s Motion to Remove Counsel Due to Conflict of Interest. For the reasons set forth below, the Acting Secretary requests the Court deny Respondent’s motion in its entirety because it misrepresents the Acting Secretary’s Counsel’s role in these proceedings, and there is no conflict of interest. Further, the Acting Secretary seeks an Order to Show Cause why sanctions, including the Acting Secretary’s fees and costs associated with defending this frivolous motion, should not be imposed, pursuant to Federal Rule of Civil Procedure 11.<sup>1</sup>

**Background**

This matter was brought by the Acting Secretary pursuant to section 105(c) of the Federal Mine Safety and Health Act of 1977 (the “Mine Act”). The Acting Secretary alleges in her Complaint that Respondent, MOSenecaManufacturer LLC d/b/a American Tripoli (“American

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<sup>1</sup> The Federal Rules of Civil Procedure are incorporated into the Commission Rules “as practicable”. See Commission Rule § 2700.1(b).

Tripoli”) discharged or otherwise discriminated against, miner, Robert Baumann (“Complainant”), in retaliation for engaging in protected activity and illegally interfered with the exercise of miners’ statutory rights, all in violation of section 105(c) of the Mine Act.<sup>2</sup> Respondent is being represented by Russell Tidaback, a non-attorney representative, who states he is the managing member of a limited liability company, Omphalos LLC, that in turn, owns MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli. This matter is set for a four-day hearing to begin on February 27, 2024, in Joplin, MO.

In addition to this matter, there are approximately ten pending civil penalty and/or contest dockets and another 105(c) discrimination docket against Respondent. *See e.g.* CENT 2023-0196, CENT 2023-0235, CENT 2024-0131. For most of the civil penalty/contest dockets, Respondent is represented by counsel. For the discrimination dockets, Respondent has chosen to be represented pro-se by Mr. Tidaback. For the Acting Secretary, the same three attorneys are involved in all of the matters against Respondent.

On February 14, 2024, Respondent moved to “remove” the attorneys representing the Acting Secretary due to “conflicts of interest.” *See* Respondent’s Motion to Remove at p.1 (“Respondent’s Motion”). Respondent primarily complains that the attorneys representing the Acting Secretary in this matter are also representing the Acting Secretary in the civil penalty dockets involving Respondent. Respondent’s Motion at p.1. Respondent complains that the Acting Secretary’s attorneys are “collaborating with external attorneys hired to represent our company in contesting [MSHA] citations and orders.” *Id.* at p.1. Respondent characterizes this as a “dual role” in that the Acting Secretary’s attorneys are “simultaneously advocating for Complainants in the discrimination cases while actively engaging in legal proceedings against

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<sup>2</sup> The Secretary’s complaint was filed on August 17, 2023.

our company in the contested citations and orders.” *Id.* Respondent states that this “dual role” “creates a situation where the interests of Complainants may be prioritized over the rights and interests of the Respondent.” *Id.* at p. 2.

Respondent’s motion should be denied in its entirety because it misrepresents the Acting Secretary’s counsel’s role in these proceedings, and there is no actual or perceived conflict of interest.

### **Argument**

As an initial matter, Respondent’s Motion should be denied as a matter of course because Respondent failed to comply with Commission Rule § 2700.10(c), as the Acting Secretary was not consulted prior to Respondent filing its Motion. Respondent has repeatedly filed motions in this matter without first consulting the Acting Secretary. The first the Acting Secretary learned of this Motion was when it was emailed on February 14, 2023. In fact, this repeated failure to follow the rules demonstrates Respondent’s continued disregard for the Court and these proceedings.

Notwithstanding Respondent’s failure to comply with the Commission’s rules, Respondent’s Motion should be denied because there is no conflict of interest in that the counsel identified in Respondent’s Motion represent, one client, the Acting Secretary in all currently pending matters against Respondent, and there is no “dual role” or risk of competing interests.

A conflict of interest arises between an attorney and her client when “the representation of one client will be directly adverse to another client” or when there is a “significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person, or by a personal interest of the lawyer.” *See* ABA Model Rules of Professional Conduct 1.7.

In discrimination and interference cases such as this one, the attorneys with the Office of the Solicitor only represents the Acting Secretary.<sup>3</sup> See Exhibit 1 Complaint of Discrimination and Interference involving Mr. Robert Baumann and Exhibit 2 Complaint of Discrimination involving Mr. Jim Hoover. In these matters, the complainant-miner is a separate party. See e.g. Commission Rule § 2700.4. While often the interests of the Acting Secretary and the complainant coincide, the rules contemplate that they may also diverge. See *Id.* While the Acting Secretary brings a discrimination and interference case “on behalf” of the complainant miner, there is no attorney-client relationship.<sup>4</sup> See e.g., *Bratton v. Bethlehem Steel Corp.*, 649 F.2d 658, 669 (9th Cir. 1980) (addressing a statute where the government is authorized to serve the public interest by seeking redress for individual complainants); *Eastern Assoc. Coal v. FMSHRC*, 813 F.2d 639, 644 (4th Cir. 1987); (discussing that if the Secretary concludes that the anti-discrimination provisions of the Act have been violated, she must prosecute a discrimination complaint, “suing on behalf of the complainant.”); *Hubb Corp.*, 20 FMSHRC 832 (1998) (Court allowed the Secretary to move forward with a case where the Complainant reached a settlement with the operator, so that the Secretary could pursue a penalty for the violation. “Any settlement between Hubb and Callahan could not affect the Secretary's right, as a party who had not entered into the settlement, to pursue the relief she sought, which in this case included a penalty assessment against Hubb.”).

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<sup>3</sup> Respondent’s Motion alleges that counsel for the Acting Secretary “represents” the complainant in this matter, as well as a complainant another discrimination matter. This statement is factually incorrect. In each of these matters, the complainant-miners are proceeding pro se.

<sup>4</sup> Additionally, counsel for the Acting Secretary sent a letter to Complainant outlining the Acting Secretary’s role in this litigation and informing Complainant’s right to obtain his own attorney to represent him in this action.



Here, there is no conflict of interest because the attorneys in the Solicitor's Office represent the same client, the Acting Secretary, in both this discrimination and interference matter and in the civil penalty dockets against Respondent. The attorneys from the Solicitor's Office have no other client in which a conflict between them could arise. Counsel for the Acting Secretary acknowledges and does not dispute that they are actively engaged in cooperative and collaborative discussions with Respondent's counsel in several of the civil penalty dockets, but counsel for the Acting Secretary is not representing any interests, other than those of the Acting Secretary, in those matters.

Respondent argues that there is a conflict of interest because counsel for the Acting Secretary is advocating for the Complainant in this matter as well as prosecuting an action against Respondent in the civil penalty dockets. Respondent's Motion at p. 1. Respondent argues this means that the interests of the Complainant may be prioritized over those of the Respondent. Respondent's Motion at p. 2. In all actions referenced by Respondent, Counsel for the Acting Secretary is on the "same side of the 'v'" opposite of Respondent, and there is no conflict of interest. Counsel for the Acting Secretary is pursuing this action as well as the actions in the civil penalty dockets to enforce the provisions of the Mine Act *against* Respondent. Thus, there is no conflict of interest involving the Acting Secretary's Counsel, and Respondent's Motion must be denied.

### **The Court Should Issue an Order to Show Cause**

Federal Rule of Civil Procedure requires that motions be brought in good faith (not for any improper purpose), and with both a legal and factual basis. Fed. R. Civ. P. 11. Failing to do so, the court may issue an order to show cause why sanctions should not be imposed.<sup>5</sup> *Id.*

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<sup>5</sup> By signing his name at the bottom of the Motion, Respondent has also certified, pursuant to Commission Rule § 2700.6(b)(2), that "he has read the document; that to the best of his knowledge, information, and belief formed after

Respondent's Motion was made in bad faith and is legally and factually frivolous. Respondent failed to follow Commission Rule § 2700.10(c), to confer prior to filing a motion. If he had, it is possible undersigned counsel could have explained to Respondent the relationship between the parties in this matter or any other matter involving Respondent. Further, Respondent is represented by attorneys in other matters before the Court, including the ones referenced in Respondent's Motion, and could have contacted those individuals to be sure he had both a legal and factual basis for bringing this motion. Respondent could have also performed research to determine whether he had a non-frivolous basis to bring this motion. Respondent took none of these steps and has wasted the Court's time. Further, this matter has been pending for six months and only now, seven business days before trial, does Respondent raise a concern of a "conflict of interest." This timing raises real concerns that this motion was brought to unnecessarily delay these proceedings or another improper purpose. For those reasons, the Acting Secretary requests an Order to Show Cause why sanctions, including the Acting Secretary's fees and costs associated with defending this frivolous motion, should not be imposed.

### **Conclusion**

For the foregoing reasons, Respondent's Motion to Remove Counsel Due to Conflict of Interest must be denied in its entirety because counsel for the Acting Secretary only represents the Acting Secretary in all matters involving Respondent and no conflict of interest, real or perceived, exists. Further, pursuant to Fed. R. Civ. P. 11, the Court should issue an Order to Show Cause why sanctions should not be imposed on Respondent for bringing this frivolous motion.

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reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

Respectfully submitted,

Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

U.S. Department of Labor  
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/s/ Laura M. O'Reilly  
Laura M. O'Reilly  
Senior Trial Attorney  
Direct: (816) 285-7277  
Elaine M. Smith  
Quinlan Moll  
Trial Attorney  
Direct: (816) 285-7262  
Attorneys for the Secretary

### **CERTIFICATE OF SERVICE**

I certify that a correct copy of the foregoing Opposition was electronically submitted to the Federal Mine Safety and Health Review Commission on February 16, 2024, and was simultaneously via electronic mail to the following party:

Russell Tidaback  
American Tripoli  
2701 E. Grauwlyer Road  
Building 1, Dept. 1008,  
Irving, TX 75061  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Robert Baumann  
[Baumannr24@gmail.com](mailto:Baumannr24@gmail.com)

/s/ Laura M. O'Reilly

# Exhibit 1

**UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No.
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**COMPLAINT**

Pursuant to the provisions of Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §801 *et seq.*, (the “Mine Act”), the Secretary of Labor (“the Secretary”) hereby files this complaint alleging violations of Section 105(c)(1) of the Mine Act, 30 U.S.C. § 815(c)(1).

1. The Commission has jurisdiction over this case under sections 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823.

2. The Secretary, acting through the Mine Safety and Health Administration (“MSHA”), enforces and administers the Mine Act, 30 U.S.C. § 801 *et seq.*

3. Respondent American Tripoli is a fictitious name for a limited liability company, MOSenecaManufacturer Limited Liability Company, with a place of business at 222 Oneida Street, Seneca, Missouri 64865. Respondent is registered with the Mine Safety and Health Administrative (“MSHA”) as the operator of the MOSenecaMfr LLC dba American Tr mine. Respondent is a “person” as defined in section 3(f) of the Mine Act, 30 U.S.C. § 802(f).

Respondent owns, operates and controls the MOSenecaMfr LLC dba American Tr mine and is therefore an “operator” as defined in Section 3(d) of the Mine Act, 30 U.S.C. § 802(d).

4. The MOSenecaMfr LLC dba American Tr mine (“Mine”) is metal/nonmetal surface mine. The MOSenecaMfr LLC dba American Tr mine has, or at all times relevant to this Complaint had, products that enter commerce or operations or products that affect commerce. The MOSenecaMfr LLC dba American Tr mine is a “coal or other mine” as defined in section 3(h)(1) of the Mine Act, 30 U.S.C. § 802(h)(1).

5. At all relevant times, Robert Baumann (“Complainant”) was employed by Respondent as a production supervisor who worked at the Mine performing various tasks and was a “miner” as defined in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g). Complainant Baumann also served as a representative of miners at the Mine from March 21, 2023 through April 17, 2023.

**A. Count I: Discrimination**

6. Complainant Baumann engaged in protected activity while employed by Respondent at the Mine, including the following:

- a. At times starting in or around June 2022 through April 17, 2023, Baumann made safety complaints and raised safety concerns to Respondent;
- b. In February and March 2023, Baumann walked around with MSHA inspectors during MSHA inspections of the Mine and discussed safety concerns and hazards with MSHA inspectors during inspections of the Mine;
- c. On March 21, 2023, Complainant Baumann was elected to be the representative of miners at the Mine and at times thereafter, participated in MSHA inspections of the Mine by walking around with MSHA inspectors in

his capacity as a representative of the miners; and

- d. On or around April 11-12, 2023, Complainant Baumann walked around with MSHA during an MSHA inspection. MSHA issued a withdrawal order, under Section 104(b) of the Act, during said inspection, and Complainant Baumann asked Respondent about miners' rights to compensation while the Mine was shut down and asserted miners' rights to compensation during the withdrawal order.

7. Respondent terminated Complainant Baumann on April 17, 2023, at least in part, because he engaged in activities protected by 30 U.S.C. § 815(c), including those set forth above. Respondent's actions against Complainant constituted illegal discrimination for engaging in protected activities, in violation of Section 105(c) of the Act.

8. On April 25, 2023, Complainant Baumann filed a discrimination complaint with MSHA alleging he was discriminated against pursuant to Section 105(c)(1) of the Act. A redacted copy of the Complaint is attached hereto as Exhibit A.

9. As a result of Respondent's Section 105(c) violation, Complainant suffered financial losses, including, but not limited to, lost wages.

10. The MSHA Office of Assessments has proposed a civil penalty against Respondent in the amount of \$15,000.00 for discriminating against Complainant Baumann in violation of Section 105(c) of the Act. The Secretary requests the Commission assess a civil penalty in that amount against Respondent for discriminating against Complainant Baumann in violation of Section 105(c) of the Act as alleged in Count I of this Complaint.

## **B. Count II: Interference**

11. Upon investigation into Complainant Baumann's discrimination complaint, the

Secretary determined that Respondent interfered with the rights of Complainant Baumann and at least one other miner in violation of Section 105(c)(1) of the Mine Act. The investigation revealed the following facts:

- a. On February 14, 2023, MSHA was conducting an inspection of the Mine.
- b. On February 14, 2023, Complainant Baumann and another miner received a message via Microsoft Teams from John Spears, Respondent's operations manager, telling the miner not to answer questions from the MSHA inspector, to not go in the mill, and the operations manager continued to state that he would be the person who would talk to the MSHA inspector.
- c. At other times during Complainant Baumann's employment, Respondent told miners not to speak to MSHA during MSHA inspections.

12. Respondent's statements to miners, described above, illegally interfered with the exercise of the miners' statutory rights in violation of Section 105(c)(1) of the Mine Act by intimidating miners against engaging in activities protected by the Mine Act, including miners' protected right to report safety issues to MSHA.

13. The MSHA Office of Assessments has proposed a civil penalty against Respondent in the amount of \$17,500.00 for interfering with miners' rights as alleged in Count II of this Complaint. The Secretary requests that the Commission assess a civil penalty in that amount against Respondent for interfering with miners' rights under Section 105(c) of the Act as alleged in Count II.

**WHEREFORE**, good cause having been shown, the Secretary and Complainant Baumann respectfully demand judgment against Respondent as follows:

- i. A finding that Respondent unlawfully discriminated against Complainant Baumann because of his exercise of protected activity in violation of Section 105(c)(1) of the



Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815., as alleged in Count I.

ii. Direct Respondent to pay a civil penalty for discriminating against Complainant Baumann in violation of Section 105(c), as described in Count I. In accordance with the criteria specified in Section 110(i) of the Mine Act, the secretary proposes a civil penalty of \$15,000.00 for the discrimination violation alleged in Count I.

iii. Grant declaratory judgment that Respondent unlawfully interfered with the exercise of protected activity of the miners at the Mine, in violation of Section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815;

iv. Direct Respondent to pay a civil penalty for interfering with miners' rights in violation of Section 105(c), as described in Count II. In accordance with the criteria specified in Section 110(i) of the Mine Act, the Secretary proposes a civil penalty of \$17,500.00 for the interference violation alleged in Count II.

v. Require Respondent to fully compensate Complainant Baumann for lost wages, benefits, and any other compensatory damages, plus interest, that resulted from Complainant's termination.

vi. Require that the personnel file of Complainant Baumann be purged of any reference to his termination and any disciplinary action taken against Complainant Baumann as the result of the discrimination by Respondent, and that if a prospective employer contacts Respondent regarding a job reference, Respondent shall not discuss, provide information about, or otherwise reference the expunged information.

vii. Order Respondent to cease-and-desist from:

- a. Discouraging miners from speaking to MSHA; and
- b. Interfering in any way with any right under the Mine Act guaranteed to miners;

viii. Direct Respondent to post a notice for a period of at least 60 days, at places where notices are regularly posted for employees to see, in a size and font that is readily visible to miners, at the Mine, stating that it will not violate Section 105(c) of the Mine Act. Such notice

shall inform miners of their rights under Section 105(c) of the Mine Act and state that Respondent will cease from discouraging miners from speaking to MSHA in any way and that Respondent will not interfere with any right under the Mine Act guaranteed to miners or discriminate against miners for engaging in any protected activity under Section 105(c) of the Mine Act;

ix. Direct Respondent to provide training to all of its employees and managers at the Mine about miners' protected rights under the Mine Act, especially with regard to miners' rights to raise safety concerns to Respondent and communicate confidentially with MSHA about safety and health matters, and also provide training to employees and managers that it is prohibited to discourage miners from engaging in protected activities or interfere with miners' rights to engage in protected activities or discriminate against miners for engaging in protected activity under the Mine Act. Respondent shall also provide MSHA an opportunity to review and make changes to the content of this training prior to giving the training to its employees and managers;

x. An order granting any and all additional relief to which the Secretary and/or Complainant Baumann may be entitled.

Respectfully submitted,

SEEMA NANDA  
Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

EVERT H. VAN WIJK  
Associate Regional Solicitor

Office of the Solicitor  
U.S. Department of Labor  
2300 Main St., Suite 10100  
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Facsimile: (816) 285-7287

/s/ Laura O'Reilly  
Laura O'Reilly  
Elaine Smith

Attorneys for  
Acting Secretary of Labor, United States

oreilly.laura.m@dol.gov  
smith.elaine.m@dol.gov

Department of Labor

**CERTIFICATE OF SERVICE**

I hereby certify that a correct copy of the foregoing Complaint was served by certified mail and by email on this 17th day of August, 2023, on:

Russell Tidaback  
American Tripoli  
222 Oneida Street  
Seneca, MO 64865  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

Respondent

I hereby certify that a correct copy of the foregoing Complaint was served by email on this 17th day of August, 2023, on:

Robert Baumann  
Baumannr24@gmail.com

Complainant

/s/ Laura O'Reilly

# Exhibit A

# Discrimination Complaint

## U.S. Department of Labor Mine Safety and Health Administration



### Section A - This block is for MSHA Use Only.

1. District MADISONVILLE	2. Field Office ROLLA	3. Date Filed 4/25/2023	4. Received By CVanover	Case Number MADI-CD-2023-03
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### Section B - Complainant completes the rest of the form.

#### 1. Complainant(s) - Person(s) Discriminated Against

Name(s)	Address(es)	Phone Number w/Area Code
ROB BAUMANN	[REDACTED]	[REDACTED]
		baumannr24@gmail.com

2. Has the discriminatory action resulted in your being suspended, laid off, or discharged? ☒ YES ☐ NO

2a. If YES, Do you seek temporary reinstatement? ☐ YES ☒ NO

3. Date of discriminatory action: 4/17/2023	4. Kind of job you had at the discriminatory action: PRODUCTION SUPERVISOR
5. Rate of regular pay at the time of discriminatory action: \$20/HR	6. Number of regular hours worked each week (Based on last 12 months of work): 40
7. Rate of overtime pay at the time of discriminatory action: N/A	8. Average number of overtime hours worked each week (Based on last 12 months of work): N/A

### Section C - Respondent - Organization Committing Discrimination

1. Name of Company AMERICAN TRIPOLI	2. Address 222 ONIEDA ST, SENECA MO 64865	3. Area Code/Phone Number 239-829-5457
4. Mine ID Number (if known) 23-00504	5. Mine Name MOSenecaMfr LLC dba American Tripoli	6. Area Code/Phone Number at Mine

### Section D - Person(s) Responsible for Discriminatory Action

1. Name(s)	2. Job Title
RUSSELL TIDABACK	OWNER
JORDAN TIDABACK	OWNER
JOHN SPEARS	OPERATIONS MANAGER

**Section E -** If you desire that a copy of all correspondence addressed to you from MSHA be provided to a representative (e.g. Union representative, attorney, etc.) please give his/her name and address to the right.

Please use MSHA form 2000-124, Discrimination Report, to provide a summary of your complaint explaining what discriminatory action was taken against you, including the date, the time, and location of the action. Explain why you believe this action was discriminatory, and describe the relief being sought (for example, reinstatement, back pay, etc).



# Discrimination Report

U.S. Department of Labor  
Mine Safety and Health Administration



Discrimination Complaint of name(s)  
ROB BAUMANN

Case Number

## Summary of Discriminatory Action

On 4/17/2023, I was terminated without cause. The letter that I was given stated that I was not doing satisfactory work even though I've never had any type of write up. I believe that I was terminated due to speaking with MSHA regarding various issues. I oversee employees and they were worried about their pay when the operation was shut down on 4/12/2023 and I questioned management about everyone's pay. They sent me a text on 4/16 to come in at 8:00 on 4/17/2023. Upon arriving for the meeting, John Spears handed me a termination letter stating that I had been let go effective immediately based on my job performance or lack thereof, when I had never had issues before.

I want to receive compensation from my last day of employment until I find a new position elsewhere. *plus 2 weeks pay*

*Robert Baumann*  
Signature(s) of Complainant(s)

*4-24-2023*  
Date

# Exhibit 2

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

ACTING SECRETARY OF LABOR,  
on behalf of JIMMY LEE HOOVER,

Petitioners,

v.

MOSENECAMANUFACTURER LIMITED  
LIABILITY COMPANY d/b/a AMERICAN  
TRIPOLI,

Respondent.

DISCRIMINATION PROCEEDING  
Docket No. \_\_\_\_\_

MSHA No. MADI-CD-2023-05

Mine: MOSenecaMfr LLC dba  
American Tr  
Mine ID: 23-00504

**COMPLAINT**

Pursuant to Section 105(c) of the Federal Mine Safety and Health Act of 1977 (“the Mine Act”), 30 U.S.C. § 801, *et seq.*, and 29 C.F.R. § 2700.45, the Acting Secretary of Labor (“the Acting Secretary”) hereby files this complaint alleging violations of Section 105(c)(1) of the Mine Act, 30 U.S.C. § 815(c)(1).<sup>1</sup>

1. The Federal Mine Safety and Health Review Commission has jurisdiction over this case under Sections 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823.
2. The Acting Secretary, acting through the Mine Safety and Health Administration (“MSHA”), enforces and administers the Mine Act, 30 U.S.C. § 801 *et seq.*
3. Respondent American Tripoli is a fictitious name for a limited liability company, MOSenecaManufacturer Limited Liability Company, with a place of business at 222 Oneida Street, Seneca, Missouri 64865. Respondent is registered with MSHA as the operator of the MOSenecaMfr LLC dba American Tr mine. Respondent is a “person” as defined in section 3(f)

<sup>1</sup> A Temporary Reinstatement hearing was held in Docket No. CENT 2024-0024 on December 6, 2023 regarding the underlying discrimination complaint in this matter. Following the hearing, Administrative Law Judge David P. Simonton issued an Order on December 13, 2023 granting temporary reinstatement of Complainant Jimmy Lee Hoover.



of the Mine Act, 30 U.S.C. § 802(f). Respondent owns, operates, and controls the MOSenecaMfr LLC dba American Tr mine (the “Mine”) and is therefore an “operator” as defined in Section 3(d) of the Mine Act, 30 U.S.C. § 802(d).

4. The MOSenecaMfr LLC dba American Tr mine (“Mine”) is metal/nonmetal surface mine with a Mine ID of 23-00504. The Mine has, or at all times relevant to this Complaint had, products that enter commerce or operations or products that affect commerce. The Mine is a “coal or other mine” as defined in Section 3(h)(1) of the Mine Act, 30 U.S.C. § 802(h)(1).

5. At all relevant times, Jimmy Lee Hoover (“Complainant”) was employed by Respondent as a mill operator/mill associate who worked at the Mine performing various tasks and was a “miner” as defined in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g).

6. Complainant engaged in protected activity while employed by Respondent at the Mine, including the following:

- a. On September 13, 2023, Complainant discovered that a circuit breaker supplying power to an airlock at the mill had tripped and the external reset button on the electrical box was not functioning, and therefore a manual reset of the circuit breaker was required. Because Complainant did not feel safe performing this action, which involved removing the front cover and reaching inside the energized breaker box containing a 220-volt alternating current, he notified Lead Production Supervisor Don Hale and Operations Manager John Spears of the unsafe working condition.
- b. When Complainant informed Spears that the breaker needed to be reset manually and that he did not feel safe removing the cover and reaching his

hand into the energized breaker box, Spears told Complainant that they needed “the product,” and that they needed to make Russel Tidaback, the owner of Respondent, “some money.” Despite Spears’ insistence that Complainant get the mill running, Complainant refused to reach into the breaker box.

7. Respondent terminated Complainant on September 14, 2023, at least in part, because he engaged in activities protected by 30 U.S.C. § 815(c), including those set forth above. Respondent’s actions against Complainant constituted illegal discrimination for engaging in protected activities, in violation of Section 105(c) of the Act.

8. On September 25, 2023, Complainant filed a discrimination complaint with MSHA, alleging he was discriminated against pursuant to Section 105(c) of the Act. A true and correct copy of Complainant’s discrimination complaint is attached hereto as *Exhibit A*.

9. As a result of Respondent’s violation of Section 105(c), Complainant suffered financial losses, including, but not limited to, lost wages.

10. The MSHA Office of Assessments has proposed a civil penalty against Respondent in the amount of \$17,500.00 for discriminating against Complainant in violation of Section 105(c) of the Act. The Acting Secretary requests the Commission assess a civil penalty in that amount against Respondent for discriminating against Complainant Baumann in violation of Section 105(c) of the Act as set forth in this Complaint.

**WHEREFORE**, good cause having been shown, the Acting Secretary and Complainant respectfully demand judgment against Respondent and request the following relief:

i. A finding that Respondent unlawfully discriminated against Complainant because of his exercise of protected activity in violation of Section 105(c)(1) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815.

ii. Direct Respondent to pay a civil penalty for discriminating against Complainant in violation of Section 105(c). In accordance with the criteria specified in Section 110(i) of the Mine Act, the Acting Secretary proposes a civil penalty of \$17,500.00 for the discrimination violation.

iii. Require Respondent to fully compensate Complainant for lost wages, benefits, and any other compensatory damages, plus interest, that resulted from Complainant's termination.

iv. Order Respondent to immediately permanently reinstate Complainant to the position he held prior to his termination with full benefits and without any break in seniority or other loss of rights or privileges, including at the same rate of pay, the same benefits, the same number of hours worked, and with the same duties assigned to him prior to his termination.

v. Require that the personnel file of Complainant be purged of any reference to his termination and any disciplinary action taken against Complainant as the result of the discrimination by Respondent.

vi. Direct Respondent to post a notice for a period of at least 60 days, at places where notices are regularly posted for employees to see, in a size and font that is readily visible to miners, at the Mine, stating that it will not violate Section 105(c) of the Mine Act. Such notice shall inform miners of their rights under Section 105(c) of the Mine Act and state that Respondent will not discriminate against miners for engaging in any protected activity under Section 105(c) of the Mine Act.

vii. An order granting any and all additional relief to which the Acting Secretary and/or Complainant may be entitled.

Respectfully Submitted,

Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, MO 64108  
Telephone: (816) 285-7284  
Facsimile: (816) 285-7287  
[moll.quinlan.b@dol.gov](mailto:moll.quinlan.b@dol.gov)  
[oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov)  
[smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov)

/s/Quinlan Moll  
Quinlan Moll  
Laura O'Reilly  
Elaine Smith

Attorneys for  
Acting Secretary of Labor, United States  
Department of Labor

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2024, a correct copy of the foregoing Application for Temporary Reinstatement was e-filed via the FMSHRC-eCMS system, and also served via email upon the following:

**Respondent:**

Russell Tidaback  
American Tripoli  
222 Oneida Street  
Seneca, MO 64865  
[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)

**Complainant:**

Jimmy Lee Hoover  
1630 Cottage Ln  
Seneca, MO 64865  
(918) 715-8707  
[hooverj9233@gmail.com](mailto:hooverj9233@gmail.com)

/s/ Quinlan B. Moll

Exhibit No 1 Pg No 1

# Discrimination Report

U.S. Department of Labor  
Mine Safety and Health Administration



Discrimination Complaint of name(s)

Jimmy Lee Hoover

Case Number

MADI-CD-2023-05

## Summary of Discriminatory Action

I was a miner at the time of my discharge at American Tripoli. On September 13, 2023 I went to start the Mill and noticed the Airlock to the Finished Goods Cyclone had tripped the circuit breaker. I went to the circuit breaker box to reset the external reset on the outside of the breakerbox. I tried it 3 or 4 times and it wouldn't reset. Since it was going to be where I was going to have to open an energized power box and expose the 230VAC power circuit and put my bare hands inside, I felt I should report this to John Spears, since I am not an electrician. John was upset and stated "we need the product. We need to make Russell some money. When I reported to work on September 14, 2023, John Spears approached me and said "Jim, Russell wants me to terminate you and your employment here is done"

I want my job back and be made whole in all aspects.

Signature(s) of Complainant(s)

Date



**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE ADMINISTRATIVE LAW JUDGES  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
FAX: 202-434-9949

February 23, 2024

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251-DM  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American Tr  
Mine ID: 23-00504

**ORDER ON ACTING SECRETARY'S MOTION TO EXCLUDE  
RESPONDENT'S LATE DISCLOSED WITNESSES AND EXHIBITS;**  
**and**  
**IMPORTANT INSTRUCTIONS ABOUT THE HEARING AND  
THE PROCEDURES TO BE EMPLOYED**

Before the Court is the Acting Secretary's Motion to Exclude Respondent's Late Disclosed Witnesses and Exhibits. (Sec Motion to Exclude). The Respondent filed a Response to the Motion. Upon consideration, the Secretary's Motion is DENIED.

While the Respondent was late in complying with the date set for the Prehearing Exchange, per the Court's Notice of Hearing, issued December 15, 2023, which Notice required that *proposed* exhibits be exchanged by January 30, 2024, broadly speaking, the Secretary received the Respondent's proposed exhibits as of February 8, 2024. Excluding weekends and a holiday, the Secretary will have been in possession of the proposed exhibits eleven (11) days before the start of the February 27, 2024, commencement of the hearing.

Taking into consideration that the Respondent's Response and that Respondent is a *pro se* litigant, the Court, in the spirit of fundamental fairness, denies the Secretary's Motion. That said, the Order is of limited effect. This is so because the Order only speaks to the exchange of *proposed exhibits*. For both sides, absent the parties' stipulations for admission of a given exhibit, each exhibit may be challenged as to the propriety of its inclusion into the record.



Materiality and relevance<sup>1</sup> of any exhibit are among the bases for objection to any exhibit. The lack of probative value and undue prejudice are other examples of evidence objections to evidence.<sup>2</sup>

Other grounds for objection may include, for example, that an untimely disclosure prevented a party from using an exhibit in a deposition and/or precluded adequate time to request further information about such document, but only if the Court determines that such shortcoming was to the significant, uncurable, harm of the party saddled with the late disclosure.

### **The procedure employed in discrimination actions under the Mine Act.**

The procedure in discrimination actions has been long established.<sup>3</sup> A complainant alleging discrimination under the Mine Act establishes a prima facie case of prohibited discrimination by presenting evidence sufficient to support a conclusion that the individual engaged in protected activity and that the adverse action complained of was motivated in any part by that activity. *Sec'y of Labor on behalf of Pasula v. Consolidation Coal Co.*, 2 FMSHRC 2786 (Oct. 1980). Record evidence of protected activity, employer knowledge of that activity, adverse action, and a close temporal proximity between protected activity and adverse action may establish a motivational nexus sufficient to make out a prima facie case of discrimination.

The operator may rebut the prima facie case by showing either that no protected activity occurred or that the adverse action was in no part motivated by protected activity. If the operator cannot rebut the prima facie case in this manner, it nevertheless may defend affirmatively by proving that it also was motivated by the miner's unprotected activity and would have taken the adverse action for the unprotected activity alone. Indicia of legitimate non-discriminatory reasons for an employer's adverse action may include evidence of the miner's unsatisfactory past work record, prior warnings to the miner, past discipline consistent with that meted out to the complainant, and personnel rules or practices forbidding the conduct in question. In reviewing affirmative defenses, the judge must determine whether they are credible and, if so, whether they would have motivated the particular operator as claimed. Pretext may be found where the asserted justification is weak, implausible, or out of line with the operator's normal business practices.

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<sup>1</sup> Commission Procedural Rule 63(a) states that “[r]elevant evidence ... that is not unduly repetitious or cumulative is admissible.” 29 C.F.R. § 2700.63(a). Although the Commission has not defined “relevant evidence,” it is defined in Rule 401 of the Federal Rules of Evidence as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

<sup>2</sup> As noted in *Sec. v Jim Walter Resources*, 26 FMSHRC 830, Oct. 2004 (ALJ) “while all admitted evidence must be relevant, not all relevant evidence must be admitted. Relevant evidence may be excluded if it is only minimally relevant that is if the judge finds it is too tangential to the questions at issue.” *Id.* at 832.

<sup>3</sup> Among a plethora of Mine Act discrimination cases, the source for the paraphrased description of discrimination cases above was derived from the Commission decision in *Pero v Cyprus Plateau Mining*, 22 FMSHRC 1361 (Dec. 2000).

The Court will be guided by this procedure. Accordingly, the Secretary will present its case first. Following that, the Respondent will present its defense.

The parties are **DIRECTED to promptly acknowledge receipt of this Order** to the Court, its law clerk, Jose Natera and its Management Analyst, Wykesha Hodnett, all as listed in the email for this Order.

**SO ORDERED.**

*William B. Moran*

---

William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO 64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Elaine Smith, Esq, U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov))

Quinlan B. Moll, Esq. U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([Moll.Quinlan.B@dol.gov](mailto:Moll.Quinlan.B@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE ADMINISTRATIVE LAW JUDGES  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
FAX: 202-434-9949

February 23, 2024

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251-DM  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American Tr  
Mine ID: 23-00504

**ORDER ON RESPONDENT'S MOTION TO REMOVE  
COUNSEL DUE TO ALLEGED CONFLICT OF INTEREST**

The Court, upon consideration of the Respondent's Motion to Remove Counsel due to alleged conflict of interest and the Acting Secretary's Opposition to the Motion, **DENIES** the Respondent's Motion. There is no demonstrated conflict of interest by the Secretary in this matter.

In addition to this ruling, the Secretary, in her Opposition, seeks an Order to Show Cause why sanctions should not be imposed, including the Acting Secretary's fees and costs associated with defending the motion, which the Secretary has characterized as frivolous. The Court declines to issue an Order to Show Cause. The Respondent, operating *pro se*, is not an attorney and, in any event, the Commission does not have the authority to impose monetary sanctions. *Marin v. Asarco*, 14 FMSHRC 1269, (Aug. 1992).

The parties are directed to promptly acknowledge receipt of this Order.

**SO ORDERED.**

*William B. Moran*

William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO 64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Elaine Smith, Esq, U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov))

Quinlan B. Moll, Esq. U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([Moll.Quinlan.B@dol.gov](mailto:Moll.Quinlan.B@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF THE ADMINISTRATIVE LAW JUDGES  
1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710  
TELEPHONE: 202-434-9933  
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February 23, 2024

SECRETARY OF LABOR, MSHA  
obo ROBERT BAUMANN,  
Complainant

v.

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY d/b/a  
AMERICAN TRIPOLI,  
Respondent

DISCRIMINATION PROCEEDING

Docket No. CENT 2023-0251-DM  
MSHA No. MADI-CD-2023-03

Mine: MOSenecaMfr LLC dba American Tr  
Mine ID: 23-00504

**ORDER ON RESPONDENT'S MOTION TO EXCLUDE WITNESSES  
FROM THE ACTING SECRETARY'S WITNESS LIST**

Before the Court is the Respondent's Motion to Exclude Witnesses from the Acting Secretary's Witness List. The Acting Secretary filed an Opposition to the Motion. Upon consideration, the Respondent's Motion is **DENIED**. The Court adopts the reasons articulated in the Secretary's Opposition, which is hereby incorporated by reference.

To the extent that the Respondent has issues with the testimony from witnesses the Secretary may call, such matters may be raised during direct examination upon questions posed by the Secretary and also upon cross-examination. Such issues will be addressed in rulings by the Court from the bench.

The parties are directed to promptly acknowledge receipt of this ORDER.

**SO ORDERED**

*William B. Moran*

William B. Moran  
Administrative Law Judge

Distribution:

Russell Tidaback, American Tripoli, 222 Oneida Street, Seneca, MO 64865  
([Russell.Tidaback@AmericanTripoli.com](mailto:Russell.Tidaback@AmericanTripoli.com))

Laura O'Reilly, U.S. Department of Labor, 2300 Main Street, Suite 10100, Kansas City, MO 64108 ([oreilly.laura.m@dol.gov](mailto:oreilly.laura.m@dol.gov))

Elaine Smith, Esq, U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov))

Quinlan B. Moll, Esq. U.S. Department of Labor, 2300 Main St., Suite 10100, Kansas City, MO 64108 ([Moll.Quinlan.B@dol.gov](mailto:Moll.Quinlan.B@dol.gov))

Robert Baumann, ([baumannr24@gmail.com](mailto:baumannr24@gmail.com))



**UNITED STATES OF AMERICA**  
**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**  
1331 PENNSYLVANIA AVENUE NW, SUITE 520N  
WASHINGTON, DC 20004-1710

**SUBPOENA**

Acting Secretary of Labor and Robert Baumann

Petitioner/Complainant/Contestant

v.

MOSenecaManufacturer LLLC d/b/a American Tripoli

Respondent

Docket Nos. CENT 2023-0251-DM

**TO:** Carson Allman



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at a hearing in the above proceeding.

PLACE OF HEARING

Jasper County Courts Building, 633 S. Pearl Ave. Courtroom  
A, Joplin, Missouri 64801

DATE AND TIME

Tuesday, February 27, 2024 and continue through Friday,  
March 1, 2024



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above proceeding.

PLACE OF DEPOSITION

DATE AND TIME



YOU ARE DIRECTED to bring the following items with you:

This subpoena is issued upon the application of (indicate if attorney/representative for party):

PERSON REQUESTING SUBPOENA

Elaine Smith  
Attorney for Acting Secretary of Labor

ADDRESS, TELEPHONE AND FAX NUMBERS

2300 Main Street, Suite 10100, Kansas City, MO 64108  
816-285-7262

ISSUED BY:

*William B. Moran*

William B. Moran  
Administrative Law Judge

February 9, 2024

Date

---

## PROOF OF SERVICE

---

SERVED: 2/9/2024

DATE

PLACE

SERVED ON (Print Name): Carson Allman

MANNER OF SERVICE:

USPS First Class Mail and Certified Mail, Return Receipt Requested

SERVED BY (Print Name):  
Michelle C. Patrick

TITLE: Paralegal Specialist

---

## DECLARATION OF SERVER

---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: \_\_\_\_\_

Date

Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri 64108

---

### TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES

#### § 2700.60 Subpoenas

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

(b) *Fees payable to witnesses.* Subpoenaed witnesses shall be paid the same fees and mileage as are paid in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose request the witness appears, or by the Commission if a witness is subpoenaed on the motion of the Commission or a Judge. This paragraph does not apply to Government employees who are called as witnesses by the Government.

(c) *Motions to revoke or modify subpoenas.* Any person served with a subpoena may move within 5 [business] days of service or at the hearing, whichever is sooner, to revoke or modify the subpoena. The Commission or the Judge, as appropriate, shall revoke or modify the subpoena if it seeks information outside the proper scope of discovery as set forth in § 2700.56(b); or if it does not describe with sufficient particularity the evidence required to be produced; or if for any other reason it is found to be invalid or unreasonable. The Commission or the Judge shall set forth a concise statement of the grounds for such ruling.

[Any motion to revoke or modify a subpoena; must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

(e) *Failure to Comply.* Upon the failure of any person to comply with an order to testify or with a subpoena issued by the Commission or the Judge, the Judge or the Commission's General Counsel, at the request of the Judge or at the direction of the Commission, may undertake to initiate proceedings in the appropriate district court of the United States for the enforcement of the subpoena.

#### TENDER OF FEES AND MILEAGE

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b).

#### PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).



## PROOF OF SERVICE

SERVED: 2/9/2024

DATE

PLACE

SERVED ON (Print Name): Carson Allman

MANNER OF SERVICE:

USPS First Class Mail and Certified Mail, Return Receipt Requested

SERVED BY (Print Name): Michelle C. Patrick

TITLE: Paralegal Specialist

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: 2/22/2024

Date

[Signature]  
Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri 64108

### TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES

#### § 2700.60 Subpoenas

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

(b) *Fees payable to witnesses.* Subpoenaed witnesses shall be paid the same fees and mileage as are paid in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose request the witness appears, or by the Commission if a witness is subpoenaed on the motion of the Commission or a Judge. This paragraph does not apply to Government employees who are called as witnesses by the Government.

(c) *Motions to revoke or modify subpoenas.* Any person served with a subpoena may move within 5 [business] days of service or at the hearing, whichever is sooner, to revoke or modify the subpoena. The Commission or the Judge, as appropriate, shall revoke or modify the subpoena if it seeks information outside the proper scope of discovery as set forth in § 2700.56(b); or if it does not describe with sufficient particularity the evidence required to be produced; or if for any other reason it is found to be invalid or unreasonable. The Commission or the Judge shall set forth a concise statement of the grounds for such ruling.

[Any motion to revoke or modify a subpoena; must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

(e) *Failure to Comply.* Upon the failure of any person to comply with an order to testify or with a subpoena issued by the Commission or the Judge, the Judge or the Commission's General Counsel, at the request of the Judge or at the direction of the Commission, may undertake to initiate proceedings in the appropriate district court of the United States for the enforcement of the subpoena.

#### TENDER OF FEES AND MILEAGE

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b).

#### PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).



**UNITED STATES OF AMERICA**  
**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**  
1331 PENNSYLVANIA AVENUE NW, SUITE 520N  
WASHINGTON, DC 20004-1710

**SUBPOENA**

Acting Secretary of Labor and Robert Baumann

Petitioner/Complainant/Contestant

v.

MOSenecaManufacturer LLLC d/b/a American Tripoli

Respondent

Docket Nos. CENT 2023-0251-DM

**TO:** Gage Wheeler



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at a hearing in the above proceeding.

PLACE OF HEARING

Jasper County Courts Building, 633 S. Pearl Ave. Courtroom  
A, Joplin, Missouri 64801

DATE AND TIME

Tuesday, February 27, 2024 and continue through Friday,  
March 1, 2024



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above proceeding.

PLACE OF DEPOSITION

DATE AND TIME



YOU ARE DIRECTED to bring the following items with you:

This subpoena is issued upon the application of (indicate if attorney/representative for party):

PERSON REQUESTING SUBPOENA

Elaine Smith  
Attorney for Acting Secretary of Labor

ADDRESS, TELEPHONE AND FAX NUMBERS

2300 Main Street, Suite 10100, Kansas City, MO 64108  
816-285-7262

ISSUED BY:

*William B. Moran*

William B. Moran  
Administrative Law Judge

February 9, 2024

Date

---

## PROOF OF SERVICE

---

SERVED: 2/9/2024

DATE

PLACE

---

SERVED ON (Print Name): **Gage Wheeler**

MANNER OF SERVICE:

USPS First Class Mail and Certified Mail with Return Receipt requested

---

SERVED BY (Print Name): Michelle C. Patrick

TITLE: Paralegal Specialist

---

## DECLARATION OF SERVER

---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: \_\_\_\_\_

Date

Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri, 64108

---

### **TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES**

#### **§ 2700.60 Subpoenas**

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

(b) *Fees payable to witnesses.* Subpoenaed witnesses shall be paid the same fees and mileage as are paid in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose request the witness appears, or by the Commission if a witness is subpoenaed on the motion of the Commission or a Judge. This paragraph does not apply to Government employees who are called as witnesses by the Government.

(c) *Motions to revoke or modify subpoenas.* Any person served with a subpoena may move within 5 [business] days of service or at the hearing, whichever is sooner, to revoke or modify the subpoena. The Commission or the Judge, as appropriate, shall revoke or modify the subpoena if it seeks information outside the proper scope of discovery as set forth in § 2700.56(b); or if it does not describe with sufficient particularity the evidence required to be produced; or if for any other reason it is found to be invalid or unreasonable. The Commission or the Judge shall set forth a concise statement of the grounds for such ruling.

[Any motion to revoke or modify a subpoena; must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

(e) *Failure to Comply.* Upon the failure of any person to comply with an order to testify or with a subpoena issued by the Commission or the Judge, the Judge or the Commission's General Counsel, at the request of the Judge or at the direction of the Commission, may undertake to initiate proceedings in the appropriate district court of the United States for the enforcement of the subpoena.

#### **TENDER OF FEES AND MILEAGE**

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b).

#### **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).

## PROOF OF SERVICE

SERVED: 2/9/2024

DATE

PLACE

SERVED ON (Print Name): **Gage Wheeler**

MANNER OF SERVICE:

USPS First Class Mail and Certified Mail with Return Receipt requested

SERVED BY (Print Name): Michelle C. Patrick

TITLE: Paralegal Specialist

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: 2/22/2024

Date

Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri, 64108

### TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES

#### § 2700.60 Subpoenas

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

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The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

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**UNITED STATES OF AMERICA**  
**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**  
1331 PENNSYLVANIA AVENUE NW, SUITE 520N  
WASHINGTON, DC 20004-1710

**SUBPOENA**

Acting Secretary of Labor and Robert Baumann

Petitioner/Complainant/Contestant

v.

MOSenecaManufacturer LLLC d/b/a American Tripoli

Respondent

Docket Nos. CENT 2023-0251-DM

**TO:** John Spears



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at a hearing in the above proceeding.

PLACE OF HEARING

Jasper County Courts Building, 633 S. Pearl Ave. Courtroom  
A, Joplin, Missouri 64801

DATE AND TIME

Tuesday, February 27, 2024 and continue through Friday,  
March 1, 2024



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above proceeding.

PLACE OF DEPOSITION

DATE AND TIME



YOU ARE DIRECTED to bring the following items with you:

This subpoena is issued upon the application of (indicate if attorney/representative for party):

PERSON REQUESTING SUBPOENA

Elaine Smith  
Attorney for Acting Secretary of Labor

ADDRESS, TELEPHONE AND FAX NUMBERS

2300 Main Street, Suite 10100, Kansas City, MO 64108  
816-285-7262

ISSUED BY:

*William B. Moran*

William B. Moran  
Administrative Law Judge

February 9, 2024

Date



---

## PROOF OF SERVICE

---

SERVED: 2/9/2024

DATE

PLACE

---

SERVED ON (Print Name): John Spears

MANNER OF SERVICE:

USPS First Class Mail, Certified Mail with Return Receipt requested, & UPS 2nd Day Air

---

SERVED BY (Print Name): Michelle C. Patrick

TITLE: Paralegal Specialist

---

## DECLARATION OF SERVER

---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: \_\_\_\_\_

Date

Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri, 64108

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### **TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES**

#### **§ 2700.60 Subpoenas**

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

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[Any motion to revoke or modify a subpoena; must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

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#### **TENDER OF FEES AND MILEAGE**

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b).

#### **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).

## PROOF OF SERVICE

SERVED: 2/9/2024  
DATE

PLACE

SERVED ON (Print Name): John Spears

MANNER OF SERVICE  
USPS First Class Mail, Certified Mail with Return Receipt requested, & UPS 2nd Day Air

SERVED BY (Print Name): Michelle C. Patrick

TITLE: Paralegal Specialist

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: 2/22/2024  
Date

Michelle C. Patrick  
Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri, 64108

### TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES

#### § 2700.60 Subpoenas

(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

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{Any motion to revoke or modify a subpoena must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

(e) *Failure to Comply.* Upon the failure of any person to comply with an order to testify or with a subpoena issued by the Commission or the Judge, the Judge or the Commission's General Counsel, at the request of the Judge or at the direction of the Commission, may undertake to initiate proceedings in the appropriate district court of the United States for the enforcement of the subpoena.

#### TENDER OF FEES AND MILEAGE

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b)

#### PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1Z7A9E720293794438

**Weight**

0.20 LBS

**Service**

UPS 2nd Day Air®

**Shipped / Billed On**

02/15/2024

**Delivered On**

02/16/2024 3:19 P.M.

**Delivered To**

GRANBY, MO, US  
**Left At**

Other

Please print for your records as photo and details are only available for a limited time.

Sincerely,

UPS

Tracking results provided by UPS: 02/20/2024 9:58 A.M. EST

**Delivery Photo**

For security purposes, enter the destination postal code to view the photo

[View Photo](#)



Tracking Number:

Remove X

70132630000098540480

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 8:30 am on February 16, 2024 in GRANBY, MO 64844.

Get More Out of USPS Tracking:

USPS Tracking Plus<sup>®</sup>

Delivered

Delivered, Individual Picked Up at Post Office

GRANBY, MO 64844

February 16, 2024, 8:30 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates

USPS Tracking Plus<sup>®</sup>

Product Information

See Less ^

Feedback

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

**FAQs**



**UNITED STATES OF AMERICA**  
**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**  
1331 PENNSYLVANIA AVENUE NW, SUITE 520N  
WASHINGTON, DC 20004-1710

**SUBPOENA**

Acting Secretary of Labor and Robert Baumann

Petitioner/Complainant/Contestant

v.

MOSenecaManufacturer LLLC d/b/a American Tripoli

Respondent

Docket Nos. CENT 2023-0251-DM

**TO:** Kensley Brewer



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at a hearing in the above proceeding.

PLACE OF HEARING

Jasper County Courts Building, 633 S. Pearl Ave. Courtroom  
A, Joplin, Missouri 64801

DATE AND TIME

Tuesday, February 27, 2024 and continue through Friday,  
March 1, 2024



YOU ARE DIRECTED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above proceeding.

PLACE OF DEPOSITION

DATE AND TIME



YOU ARE DIRECTED to bring the following items with you:

This subpoena is issued upon the application of (indicate if attorney/representative for party):

PERSON REQUESTING SUBPOENA

Elaine Smith  
Attorney for Acting Secretary of Labor

ADDRESS, TELEPHONE AND FAX NUMBERS

2300 Main Street, Suite 10100, Kansas City, MO 64108  
816-285-7262

ISSUED BY:

*William B. Moran*

William B. Moran  
Administrative Law Judge

February 9, 2024

Date

---

## PROOF OF SERVICE

---

SERVED: 2/9/2024

DATE

PLACE

---

SERVED ON (Print Name): **Kensley Brewer**

MANNER OF SERVICE:  
USPS First Class Mail and Certified Mail with Return Receipt requested

---

SERVED BY (Print Name): **Michelle C. Patrick**

TITLE: Paralegal Specialist

---

## DECLARATION OF SERVER

---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: \_\_\_\_\_

Date

Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri, 64108

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### **TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES**

#### **§ 2700.60 Subpoenas**

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## PROOF OF SERVICE

SERVED: 2/9/2024

DATE

PLACE

SERVED ON (Print Name): **Kensley Brewer**

MANNER OF SERVICE:

USPS First Class Mail and Certified Mail with Return Receipt requested

SERVED BY (Print Name): **Michelle C. Patrick**

TITLE: **Paralegal Specialist**

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. (If service was by Registered or Certified Mail, attach return receipt.)

Executed On: 2/22/2024

Date

Signature of Server

Address of Server: 2300 Main Street, Ste 10100, Kansas City, Missouri, 64108

### TITLE 29, CODE OF FEDERAL REGULATIONS CHAPTER XXVII – FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION PART 2700, PROCEDURAL RULES

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(a) *Compulsory attendance of witnesses and production of documents.* The Commission and its Judges are authorized to issue subpoenas, on their own motion or on the oral or written application of a party, requiring the attendance of witnesses and the production of documents and physical evidence. A subpoena may be served by any person who is at least 18 years of age. A subpoena may also be served by registered or certified mail, return receipt requested, but, in such case, any risk of delivery is on the serving party. A copy of the subpoena bearing a certificate of service shall be filed with the Commission or the Judge.

(b) *Fees payable to witnesses.* Subpoenaed witnesses shall be paid the same fees and mileage as are paid in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose request the witness appears, or by the Commission if a witness is subpoenaed on the motion of the Commission or a Judge. This paragraph does not apply to Government employees who are called as witnesses by the Government.

(c) *Motions to revoke or modify subpoenas.* Any person served with a subpoena may move within 5 [business] days of service or at the hearing, whichever is sooner, to revoke or modify the subpoena. The Commission or the Judge, as appropriate, shall revoke or modify the subpoena if it seeks information outside the proper scope of discovery as set forth in § 2700.56(b); or if it does not describe with sufficient particularity the evidence required to be produced; or if for any other reason it is found to be invalid or unreasonable. The Commission or the Judge shall set forth a concise statement of the grounds for such ruling.

[Any motion to revoke or modify a subpoena, must be in writing; must identify the case by name and docket number; must be signed by the filing person; and shall include the filing person's address and phone number.]

The motion shall be filed by facsimile transmittal, and a copy shall be served by facsimile on the person upon whose application the subpoena was issued. Commission Procedural Rules 5, 6, 7, and 10.]

(d) *Availability of Transcript.* Persons compelled to submit evidence at a public proceeding are entitled to obtain, on payment of prescribed costs, a transcript of that part of the proceeding that sets forth their testimony or refers to their production of evidence.

(e) *Failure to Comply.* Upon the failure of any person to comply with an order to testify or with a subpoena issued by the Commission or the Judge, the Judge or the Commission's General Counsel, at the request of the Judge or at the direction of the Commission, may undertake to initiate proceedings in the appropriate district court of the United States for the enforcement of the subpoena.

#### TENDER OF FEES AND MILEAGE

Service of a subpoena directing a person's attendance at a hearing or deposition shall be accompanied by tendering to that person the fees or one day's attendance and the mileage allowed by law, except that, when a subpoena is issued at the request of the United States or an officer or agency thereof, fees and mileage need not be tendered. Fed.R.Civ.P.45(b).

#### PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. A party or attorney who breaches this duty may be subject to an appropriate sanction. Fed.R.Civ.P.45(c)(1).

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

-----X  
SECRETARY OF LABOR, :  
 :  
 Complainant, :  
 :  
 v. : CENT 2023-0251-DM  
 : MADI-CD-2023-03  
 MONSENECA MANUFACTURER, LLC, :  
 d/b/a AMERICAN TRIPOLI, :  
 :  
 Respondent. : Volume 1  
-----X

633 S. Pearl Avenue  
Joplin, Missouri

Tuesday, February 27, 2024

The HEARING in the above-entitled matter  
was convened at 9:00 a.m., pursuant to notice.

BEFORE:

JUDGE WILLIAM B. MORAN

## 1 APPEARANCES:

2 On behalf of Complainant:

3 LAURA O'REILLY, ESQUIRE  
4 ELAINE SMITH, ESQUIRE  
5 QUINLAN B. MOLL, ESQUIRE  
6 United States Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108

7 On behalf of Respondent:

8 RUSSELL TIDABACK, ESQUIRE  
9 American Tripoli  
222 Oneida Street  
Seneca, Missouri 64865

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## C O N T E N T S

WITNESS: DIRECT CROSS REDIRECT RECROSS

Robert Baumann 46 294

RESPONDENT'S EXHIBIT: MARKED/RECEIVED

R-I - Production Lead Duties

R-J - Supervisor Duties

R-L - New Miner Training

R-M - Refresher Training

R-P - MSHA Guide to Guarding

COMPLAINANT'S EXHIBITS:

P-2 - Miners Representative Form

P-4 - Payroll Details 68

P-7 - Message out of MSAH Handbook

P-8 - Teams Message

P-9 - Teams Message

P-10 - Teams Message

P-11 - E-mails

P-12 - Interrogatories Answers

P-13 - Teams Message

P-21 - Inspection Record

P-26 - Document

P-27 - Production Spreadsheet



1 COMPLAINTANT'S EXHIBITS (CONT'D): MARKED/RECEIVED

2 P-28 - Production Records

3 P-31 - Screen Shot

4 P-32 - Teams Message

5 P-34 - Discovery Responses

6 P-38 - Termination Letter

7 P-40 - Training Certificate

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## P R O C E E D I N G S

JUDGE MORAN: Good morning. My name is Judge William B. Moran. We're here this morning in Joplin, Missouri at the Jasper County Courts Building on Pearl Avenue, and this is the case which is captioned as Julie A. Su, acting Secretary of Labor, United States Department of Labor, and Robert Baumann, Complainants. The motion -- it's hard to say, actually Moseneca, I think I should say, Manufacturer, Limited Liability Company, doing business as American Tripoli. And the -- this is a discrimination and interference proceeding, separate -- separate aspects of the complaint. And the mine is the Moseneca Manufacturing, LLC, doing business as American TR. I'm going to ask -- interrupt myself for a second and ask, Mr. Tidaback, is it actually listed as American TR?

MR. TIDABACK: I think the system abbreviated it.

JUDGE MORAN: Okay. But if I was speaking to you outside of this courtroom on an

1 unrelated matter, you would say it's American  
2 Tripoli?

3 MR. TIDABACK: Yes.

4 JUDGE MORAN: Is it registered as  
5 American Tripoli in the state?

6 MR. TIDABACK: Yes, sir. It's doing  
7 business as American Tripoli.

8 JUDGE MORAN: I have identified the  
9 docket and the name of the case, and now I want  
10 the parties to identify themselves. We will begin  
11 with the Secretary of Labor.

12 MS. O'REILLY: My name is Laura  
13 O'Reilly. I'm an attorney for the acting  
14 secretary.

15 MS. SMITH: Elaine Smith for the acting  
16 Secretary of Labor.

17 MR. MOLL: Quinlan Moll for the acting  
18 Secretary of Labor.

19 COURT REPORTER: I'm sorry. What was  
20 your name, sir?

21 MR. MOLL: Quinlan Moll for the acting  
22 Secretary of Labor.

1 MR. BAUMANN: Robert Baumann.

2 MR. DILLINGHAM: Michael Dillingham,  
3 special investigator, Mine and Safety Health  
4 Administration.

5 JUDGE MORAN: Okay.

6 COURT REPORTER: My video froze.

7 THE VIDEOGRAPHER: Sorry about that.

8 MR. TIDABACK: Russell Tidaback.

9 MS. TIDABACK: Jordan Tidaback.

10 JUDGE MORAN: All right. Again, I said  
11 it when I came in, but it's nice to meet all of  
12 you. Now, this is for the court reporter. Can  
13 you hear me okay?

14 COURT REPORTER: Yes, I can. My screen  
15 did freeze just a minute ago.

16 JUDGE MORAN: I'm sorry. Repeat that.

17 COURT REPORTER: My screen did freeze up  
18 just a minute ago, just before Mr. Tidaback  
19 introduced himself.

20 JUDGE MORAN: But if your screen locked  
21 up, were you still able to hear everything?

22 COURT REPORTER: No. It quit

1 everything.

2 JUDGE MORAN: Okay. Well, just to speed  
3 things up, but not at the expense of losing  
4 accuracy, for the Secretary of Labor, for the  
5 acting secretary we have the following three  
6 attorneys; Ms. O'Reilly, Ms. Smith and Mr. Mull.  
7 And then for the Respondent we have Mr. Tidaback  
8 and his daughter, Jordan Tidaback. Is that right?

9 Okay. So this is very important, Madam  
10 Court Reporter, if at anytime you need to -- if  
11 there's a break, either your screen freezes or you  
12 just can't hear a witness, I need you to employ  
13 your assertive side and speak up right away. We  
14 don't want to have any gaps. All right?

15 COURT REPORTER: Yes, sir.

16 JUDGE MORAN: And also, at times an  
17 attorney or someone for the Respondent may talk  
18 over a witness and then it becomes in any hearing  
19 very frustrating for a court reporter to  
20 accurately report what's being said, so you need  
21 to speak up then as well. I will try and control  
22 the witnesses if that problem occurs, but

1 independent of what I may do, it's critical that  
2 you speak up. Do you understand?

3 COURT REPORTER: Yes, sir.

4 JUDGE MORAN: Okay. Thank you for your  
5 help. So I'll be checking with you, also,  
6 frequently during the morning and all day,  
7 actually, to make sure that everything is going  
8 smoothly on your end, Ms. Blackerby. I hope  
9 that's correct.

10 COURT REPORTER: Close enough.

11 JUDGE MORAN: All right. Close enough.  
12 Okay. I'll try and do better. All right. Now,  
13 I'm going to -- I'm going to now make my own  
14 opening statement about -- about this case. And  
15 in my order, which I alluded to before we went on  
16 the record, and by the way, let me just state as  
17 things come to mind, the parties have agreed to  
18 this arrangement that we have here this morning.  
19 They understand that we have a remote court  
20 reporter, and that we have a videographer who is  
21 recording with a sound system independent of the  
22 video recording the witness' testimony, and the

1 parties said that that's acceptable to them. Is  
2 that correct, both sides? Secretary?

3 MS. O'REILLY: Yes, Your Honor.

4 JUDGE MORAN: Mr. Tidaback?

5 MR. TIDABACK: Yes, sir.

6 JUDGE MORAN: Okay. Thank you. Let me  
7 now -- I have these notes jotted down, so they may  
8 not be in perfect logical order, but I'm going to  
9 emphasize this in one of my orders and it's  
10 important that I emphasize it here today.

11 In my order denying the secretary's  
12 motion to exclude late disclosed witnesses and  
13 exhibits, I'm repeating this because I think it's  
14 important, that order only permitted the exhibits  
15 to be exchanged late as they were and I noted the  
16 number of days that were remaining before the  
17 hearing, but that's one juncture. Were any  
18 exhibits that either side wants to admit? The  
19 other side may oppose the admission. As of right  
20 now we have, other than the official record, which  
21 I would take judicial notice, such as the  
22 Complaint and the Answer, all those documents that

1 are on something called ECMS, those I can take  
2 official notice of -- I said judicial notice, but  
3 official notice of those documents. But anything  
4 else, such as the very large notebooks that the  
5 Secretary and the Respondent, Mr. Tidaback, has  
6 provided, none of those are in the record right  
7 now.

8           So the parties can stipulate to certain  
9 exhibits or as they are brought up by one side or  
10 the other, the other side can -- first of all, we  
11 have to have a proffer about what the exhibit is  
12 about, unless it's self-explanatory, and then if  
13 there's an objection, I will hear that and rule  
14 upon the admission or the disallowance of the  
15 given exhibit.

16           Now, my practice has been, so there's no  
17 confusion in the record, anytime an exhibit is not  
18 admitted by me for a reason which I will  
19 articulate if I decide not to admit it, I hand  
20 that exhibit back to the side that was trying to  
21 offer it into evidence. That way I don't go back  
22 home to Washington, D.C. and confuse the admission



1 if there's an appeal of my decision with exhibits  
2 that they shouldn't be seen and were not made part  
3 of the record. Does everybody understand that?

4 Okay. So now let me just, for the point  
5 of emphasis, I don't want to oversimplify it, but  
6 yet the discrimination proceedings are rather  
7 basic. It's not a complicated thing to  
8 comprehend, to understand, and so I'm just going  
9 to, for the benefit of both sides, note what's in  
10 my order that I just referenced a minute ago, and  
11 that is that a complainant alleging discrimination  
12 under the Mine Act establishes a prima facie case  
13 of prohibited discrimination by presenting  
14 evidence sufficient to support a conclusion that  
15 the individual, A, that's -- I'm adding the A, the  
16 individual engaged in protected activity and that  
17 the adverse action was motivated in any part by  
18 that activity.

19 And let me just stop. I'm going to do  
20 this frequently to the point of probably being  
21 annoying. Court Reporter, are you hearing me  
22 fine?

1 COURT REPORTER: Yes, sir.

2 JUDGE MORAN: And you'll speak up if  
3 there's a problem. Right?

4 COURT REPORTER: Yes, sir.

5 JUDGE MORAN: So I establish what the  
6 Secretary has to establish, and then on the part  
7 of the operator, the operator may rebut this prima  
8 facie case by showing either that there was no  
9 protected activity that occurred or that the  
10 adverse action was not motivated in any part by  
11 that protected activity.

12 But then there are a number of  
13 commission cases, it's been well established, that  
14 the operator has a second time at bat. That's my  
15 phrase. Okay. And the second time at bat is that  
16 the operator can prove that it was motivated to  
17 take the adverse action against the miner, the  
18 complainant, discriminate -- alleged to be  
19 discriminated against. They would have taken that  
20 adverse action for the unprotected activity alone.

21 So that's a second way that -- and this  
22 does not tilt the table or suggest how the outcome

1 in any way, shape or form, but it's a second  
2 opportunity for an operator to say, wait a minute  
3 now. We understand for the sake of argument --  
4 that for the sake of argument only that a  
5 protected activity has been established and that  
6 there was adverse action, but we would have fired  
7 this person anyway for reasons A, B, C. All  
8 right? Everybody understand that?

9 Now, I said I was going to have -- I'm  
10 basically wrapping up here with my comments, and  
11 then I'll give the parties an opportunity to make  
12 an opening statement. And before I do that,  
13 though, I want the witnesses, other than those  
14 that are appropriately in the courtroom to be  
15 excused into the witness room. Okay. So remind  
16 me if I let that -- you may not hear the opening  
17 statements, either. Understand? So in a moment,  
18 or now, whatever is convenient, you can excuse  
19 yourself. What I'm going to say is not  
20 particularly relevant for you to hear, anyway.

21 MS. O'REILLY: Judge, I would just like  
22 to clarify Ms. Tidaback's role. She hasn't

1 entered her appearance in this case, so I don't  
2 understand her role.

3 JUDGE MORAN: We'll still on the record,  
4 right, Court Reporter?

5 COURT REPORTER: Yes.

6 JUDGE MORAN: Okay. Yes. And so  
7 Attorney O'Reilly asked about the person sitting  
8 next to Mr. Tidaback, and she has identified  
9 herself as the daughter of Mr. Tidaback. Right?  
10 And in these proceedings each side is entitled to  
11 have an assistant, if you will, and so Mr.  
12 Tidaback has, I assume, designated his daughter  
13 for that role.

14 MR. TIDABACK: She's actually part owner  
15 as well, sir.

16 JUDGE MORAN: Well, okay. Well, very  
17 good.

18 MS. O'REILLY: Thank you.

19 JUDGE MORAN: Okay. So now, the  
20 witnesses having been excused, except for those  
21 that are permitted to be in the hearing room, I  
22 want to note that in looking over the Complaint,

1 and I'm speaking now to -- to the first part, the  
2 discrimination, it's my understanding, and I'll  
3 need an affirmation from Attorney O'Reilly about  
4 this, that first of all, there was no temporary  
5 reinstatement sought in this matter?

6 MS. O'REILLY: Correct.

7 JUDGE MORAN: But then it seems to me,  
8 looking at this, that apart from the Secretary,  
9 the penalty the Secretary would like to receive if  
10 they establish a case and I affirm this, that this  
11 relief alleged to be due to Mr. Baumann. However,  
12 am I correct that Mr. Baumann is not seeking  
13 reinstatement with American Tripoli? It's not in  
14 the Complaint.

15 MS. O'REILLY: Right. At this time he  
16 is not seeking reinstatement, no.

17 JUDGE MORAN: At this time and actually  
18 for all purposes in this hearing?

19 MS. O'REILLY: Correct, Judge. At the  
20 time of filing the Complaint he was not seeking  
21 reinstatement.

22 JUDGE MORAN: Okay. And so that creates

1 a bit of a problem for me because I didn't  
2 highlight it, but one second, please. Well,  
3 there's some reference and you can correct me if  
4 I'm wrong. I am paraphrasing from memory. All  
5 right. That Mr. Baumann wants to have, if he  
6 prevails, compensation until he's able to find a  
7 job. Well, I can't have an open-ended order that  
8 says -- just let me finish -- that says if he  
9 wins, there's no assumption he's going to prevail  
10 or the Secretary. I'm not going to keep repeating  
11 that. I hope you can trust when I say it, I mean  
12 it. Okay? But I can't have an open ended order  
13 because I know that, I assume it's not only Mr.  
14 Baumann, no Complainant would then sit on his or  
15 her hands and say two years down the road, oh, I'm  
16 still looking, so I need to be compensated.

17 So there has to be a cap on that. I'll  
18 have to think through what would be logical if I  
19 find for the Complainant and the Secretary of  
20 Labor, but it's -- other aspects of it don't  
21 create a problem, such as I'm reading from Page 5  
22 of the Complaint. If a prospective employer

1 contacts the Respondent regarding a job reference,  
2 the Respondent shall not discuss, provide  
3 information about or otherwise reference expunged  
4 information from -- on his personnel record, which  
5 I would order to be expunged, and you know, that's  
6 standard if a Complainant prevails.

7 If you just -- and that's the line you  
8 have to be careful about not crossing. That  
9 Respondent can't say, well, we can't talk about  
10 this, but we let this guy go. You just have to  
11 say the person was hired on this date and his  
12 employment terminated on this date and say no  
13 more. All right? So that's important.

14 Now, Attorney O'Reilly, you want to say  
15 something about this? Go ahead.

16 MS. O'REILLY: Yes. I just wanted to  
17 clarify the back wages. Mr. Baumann already has a  
18 job and had a job at the time we filled the  
19 Complaint which is why can he didn't seek  
20 reinstatement.

21 JUDGE MORAN: So that's -- and I see  
22 that Mr. Baumann is nodding in agreement. And so

1 -- but I assume that if he were to prevail, part  
2 of his damages would be lost wages from the time  
3 he was discharged by the Respondent up until the  
4 time he received -- had obtained new employment?

5 MS. O'REILLY: Up until he got the job  
6 he has now.

7 JUDGE MORAN: Okay. And it would be  
8 other potential damages. It's not just wages.  
9 There are other aspects of employment for which he  
10 would be entitled to compensation if I find in his  
11 favor?

12 MS. O'REILLY: Yes. We plan to go  
13 through all that today.

14 JUDGE MORAN: Okay. All right. I think  
15 that does it in terms of my opening remarks. I  
16 want to make sure that Mr. Tidaback has an  
17 opportunity. Do you have anything, not saying you  
18 need to, but do you have any comments or anything  
19 you want to say at this point, sir?

20 MR. TIDABACK: No.

21 JUDGE MORAN: Then one more thing.  
22 Typically in these proceedings the parties,



1     although I suspect maybe not, I have my crystal  
2     ball out, stipulate to certain things. Are there  
3     stipulations between the parties on this?

4             MS. O'REILLY: I believe we had an  
5     agreement as to these documents, they haven't been  
6     signed yet, I think there is some dispute that  
7     Respondent wanted us to add more provisions which  
8     we wouldn't agree to, but I believe that we're all  
9     in agreement as to these but I can let Respondent  
10    speak to that.

11            JUDGE MORAN: So you're telling me that  
12    you do have -- you're holding in your hand some  
13    stipulations?

14            MS. O'REILLY: Yes.

15            JUDGE MORAN: Are they numbered?

16            MS. O'REILLY: Yes.

17            JUDGE MORAN: And Mr. Tidaback,  
18    understanding what Attorney O'Reilly just said  
19    that --

20            MR. TIDABACK: We are not in agreement  
21    with those yet.

22            JUDGE MORAN: You're not in agreement to

1 any of the stipulations?

2 MR. TIDABACK: Not yet, Your Honor.

3 JUDGE MORAN: All that simply means is  
4 that if there are no stipulations and it's  
5 important to the Secretary's case to establishing  
6 the prima facie case, they'll have to do that  
7 either through official records or through witness  
8 testimony or otherwise, through other exhibits.  
9 But I distinguish official records such as the  
10 Complaint, the Answer, any filings that were  
11 brought, so just the numerous motions on both  
12 sides. All right? So that's it on your part.

13 Mr. Tidaback, anything else you want to  
14 add?

15 MR. TIDABACK: No, sir. Just not enough  
16 time to really understand that and understand the  
17 logic of even asking the Secretary why, trying to  
18 get some response and collaboration, and it was a  
19 take it or leave it response so I can't just  
20 accept it. I just don't know.

21 JUDGE MORAN: And there's no adverse  
22 inference on my part that you object to

1 stipulations. A stipulation by definition means  
2 something that the parties have agreed to, and we  
3 don't have an agreement, so that's fine. I don't  
4 want you to think that I'm thinking to myself, oh,  
5 he didn't agree to the stipulations. There's no  
6 obligation to do so.

7 MR. TIDABACK: Thank you, sir.

8 JUDGE MORAN: It streamlines things when  
9 parties can.

10 MR. TIDABACK: Yes, sir.

11 JUDGE MORAN: All right. So now, I  
12 believe I've covered everything, but first I'm  
13 going to give the Secretary, I know this is taking  
14 a little while for the preliminaries, but soon  
15 we'll get on to the testimony. So Attorney  
16 O'Reilly, I want to address to you, you're first  
17 chair?

18 MS. O'REILLY: Yes, Your Honor.

19 JUDGE MORAN: Okay. Are there any  
20 housekeeping matters that I need to address before  
21 we begin with testimony? And then we'll have  
22 opening statements.

1 MS. O'REILLY: Given that Respondent is  
2 pro se, we just want to understand how he will be  
3 treated in this trial. We may be questioning him.  
4 Should we save our direct after he testifies and  
5 just how that is going to be? I didn't know if he  
6 was going to be put under oath at the beginning or  
7 just when he does his testimony.

8 JUDGE MORAN: Well, I'm not sure what  
9 you mean by having him under testimony -- under  
10 oath at the beginning. Any time he's on the  
11 witness stand he will then be sworn in.

12 MS. O'REILLY: Okay.

13 JUDGE MORAN: Now the timing of that is  
14 up to you. I would guess, I'm not telling you how  
15 to do your case, you would call Mr. Tidaback as  
16 one of your witnesses in the case in chief.

17 MS. O'REILLY: Okay.

18 JUDGE MORAN: And so he would be  
19 designated as an adverse witness understandably,  
20 and that has a consequence in the sense that  
21 leading questions, that is a question which has  
22 the answer suggested. Leading questions are

1 permitted and often for other witnesses, too, but  
2 they're permitted if someone is designated as an  
3 adverse witness. All right? And that would be  
4 true for the Respondent side, if you're calling  
5 some witness that the Secretary had testified, or  
6 didn't testify, but is here today and you call  
7 that witness, that witness would also be  
8 designated as an adverse witness for the obvious  
9 reason of their position. Anything else in terms  
10 of housekeeping?

11 MS. O'REILLY: No, Your Honor.

12 JUDGE MORAN: Okay. Well, I think we're  
13 going along well.

14 Court reporter, are you getting all of  
15 this?

16 COURT REPORTER: Yes, sir.

17 JUDGE MORAN: Okay. Including what I  
18 just said. Right?

19 COURT REPORTER: Yes, sir.

20 JUDGE MORAN: All right. So now, what  
21 we're going to do is have opening statements, and  
22 then we'll take a five-minute break and then we'll

1 begin with the first witness to be called by the  
2 Secretary. Is that acceptable to everyone?

3 MS. O'REILLY: Yes, Your Honor.

4 JUDGE MORAN: Okay. And off the record  
5 for a second. We're off the record in terms of  
6 the court reporter.

7 (Recess)

8 JUDGE MORAN: Court reporter, you ready?

9 COURT REPORTER: Yes, sir.

10 JUDGE MORAN: The Government may make  
11 its opening statement now.

12 MS. O'REILLY: May it please the Court,  
13 this case is about redressing and poor miners  
14 rights which Respondent Moseneca Manufacturer,  
15 Limited Liability Company, which does business as  
16 American Tripoli, has violated for the minors  
17 working at Seneca, Missouri mine through ongoing  
18 and systematic violations of Section of 105(b) of  
19 the Mine Act.

20 This case began when Robert Baumann,  
21 former production supervisor at American Tripoli,  
22 filed a discrimination complaint with MSHA after

1 he was terminated on Monday morning, April 17th,  
2 2023. After he was terminated -- just days -- he  
3 was terminated just days after participating in an  
4 MSHA inspection which resulted in the mine being  
5 shut down with a 104(b) withdrawal order. The  
6 104(b) withdrawal order was issued to Respondent  
7 for exposing miners to dangerous silica dust, a  
8 safety issue which Mr. Baumann had repeatedly  
9 raised to management, to no avail.

10 After the issuance of the 104(b)  
11 withdrawal order and just days before his Monday  
12 morning termination, Mr. Baumann also asserted  
13 miners rights under the Mine Act to be paid during  
14 the 104(b) withdrawal order to American Tripoli  
15 management. You will hear and see evidence today  
16 that on April 14th, 2023, less than an hour after  
17 discussing Mr. Baumann's request for pay during  
18 the withdrawal order, Mr. Tidaback, owner of  
19 American Tripoli, and Mr. Spears, American  
20 Tripoli's operations manager, were discussing  
21 terminating Mr. Baumann.

22 In Microsoft Teams messages, which you

1 will see in this hearing, Mr. Tidaback stated to  
2 Mr. Spears, expect an MSHA complaint when Rob is  
3 let go. The writing is on the wall. Then after  
4 the termination took place and shortly after  
5 Respondent received notice of Mr. Baumann's 105(b)  
6 discrimination complaint from MSHA, Respondent was  
7 already devising a plan as to how to make sure it  
8 looked like they fired Mr. Baumann for reasons  
9 other than Mr. Baumann engaging in protected  
10 activity.

11           You will see Microsoft Teams messages  
12 sent by Mr. Tidaback the day after receiving Mr.  
13 Baumann's discrimination complaint telling another  
14 miner I needed justification since Rob's complaint  
15 to MSHA about being let go just needs you to put  
16 the cherry on the cake. That's all.

17           The evidence will show that American  
18 Tripoli exhibited animus towards Mr. Baumann's  
19 protected activity. In the two months leading up  
20 to Mr. Baumann's termination he was very outspoken  
21 about safety issues at the mine. Mr. Baumann  
22 participated in multiple MSHA inspections, and



1 spoke to MSHA about safety concerns.

2 Further, just three weeks before his  
3 termination, Mr. Baumann was elected as a miners  
4 representative. You will hear testimony from  
5 miners who worked with Mr. Baumann at various  
6 times who will state that Respondent's management  
7 and owners were hostile to Baumann's attempts to  
8 fix safety issues at the mine, including an  
9 overall hostility and disregard at the mine for  
10 miner safety and MSHA compliance, and that  
11 American Tripoli was hostile to the fact that Mr.  
12 Baumann or any miner would speak to MSHA.

13 In the last two months of Mr. Baumann's  
14 employment MSHA conducted three inspections of the  
15 mine, each lasting multiple days during which Mr.  
16 Baumann walked around with MSHA inspectors. You  
17 will hear from MSHA inspectors who have inspected  
18 the mine, and they will report that this American  
19 Tripoli mine stands out among other mines they  
20 have been to in that the mine repeatedly  
21 disregarded safety and MSHA standards. These MSHA  
22 inspectors will also testify about Mr. Baumann's

1 protected activity, Respondent's knowledge of  
2 that, and the blatant disregard for safety culture  
3 displayed by management at American Tripoli.

4           You may hear a host of alleged reasons  
5 from Mr. Tidaback for why Mr. Baumann was  
6 terminated, ranging from allegedly failing to  
7 provide professional development counseling to  
8 miners to allegedly failing to use Microsoft Teams  
9 well. What you won't see, though, is any support  
10 for those allegations. Respondent will argue that  
11 Mr. Baumann was terminated for not meeting Mr.  
12 Tidaback's production demands, but again, the  
13 evidence will show a different story. In fact,  
14 the evidence will show that Tidaback's production  
15 demands that Mr. Baumann allegedly failed to meet  
16 were aspirational and very rarely met at the mine.  
17 Mr. Spears has testified that these demands were  
18 only met 20 to 30 times in the 18 months he's been  
19 employed at American Tripoli, regardless of who  
20 held the title of production supervisor.

21           Testimony will reveal that production  
22 was often behind and demands were not met because

1 they were unrealistic for the equipment at  
2 American Tripoli. Mr. Tidaback and Mr. Spears  
3 both admit that maintenance issues were the  
4 problem with production, not Mr. Baumann who was  
5 not a maintenance employee and who was never once  
6 disciplined during his employment for not meeting  
7 these alleged production demands. Maintenance  
8 could not keep up with the issues the machinery  
9 was having, causing production to come to a halt,  
10 and management refused to spend the necessary  
11 money on maintenance to get machinery in safe  
12 working order. Moreover, production records kept  
13 by American Tripoli entirely contradict  
14 Respondent's claim that Baumann was terminated due  
15 to his increasingly poor production.

16           Throughout this hearing we will show  
17 that Mr. Baumann, a miner at American Tripoli,  
18 engaged in protected activity by participating in  
19 MSHA inspections, raising safety complaints to  
20 management, becoming a miners representative, and  
21 asserting miners rights to pay during a 104(b)  
22 withdrawal order. We will show that Mr. Baumann

1 suffered an adverse action by being terminated,  
2 and we will show that that adverse action was  
3 motivated by protected activity, including  
4 evidence that Mr. Baumann became a miners  
5 representative just three weeks before his  
6 termination and engaged in protected activity just  
7 days, two of which were weekends days, before his  
8 termination.

9           Respondent knew about American -- knew  
10 about Mr. Baumann's protected activity, and  
11 American Tripoli was hostile to Mr. Baumann's  
12 protected activity. Further, the evidence will  
13 show that Mr. Baumann was treated differently from  
14 other miners as the company did not follow its own  
15 disciplinary policy with Mr. Baumann since he had  
16 no prior discipline, much less written discipline.

17           In investigating Mr. Baumann's  
18 discrimination claim, the second also found  
19 evidence that American Tripoli was interfering  
20 with miners rights, including Mr. Baumann's  
21 rights. Miner witnesses will testify that  
22 American Tripoli owner, Mr. Russell Tidaback,

1 repeatedly told miners not to speak to MSHA,  
2 including intimidating miners from contacting MSHA  
3 by telling miners that any statements made to MSHA  
4 could be used against them in the court of law.

5 Often these statements were made when miners were  
6 walking around with MSHA inspectors or in response  
7 to complaints having been made to MSHA.

8 Teams messages produced to the Secretary  
9 in discovery will show these interfering  
10 statements. For example, Mr. Tidaback told  
11 miners, including Mr. Baumann, on March 31st,  
12 2023, I will stress with you any MSHA inspector is  
13 not your friend. Anything you say to or in their  
14 presence can and will be used against you in a  
15 court of law. Hopefully this will never be  
16 needed, but just be well aware. Further, in Teams  
17 messages, Mr. Tidaback tells the miners everyone  
18 needs to stop calling MSHA.

19 You may hear from Respondent a myriad of  
20 excuses for why these statements were made, but  
21 the document speaks for themselves, and the  
22 testimony of the miners and MSHA personnel who are

1 aware of these statements will be overwhelming and  
2 unequivocally point to clear interference with  
3 miners rights to speak to MSHA.

4           Throughout this time Respondent American  
5 Tripoli through its owner, Mr. Tidaback, acted as  
6 though they were above the law and did not have to  
7 comply with the Mine Act and MSHA standards. To  
8 enforce this practice of disregard for safety and  
9 the law Respondent created a culture of fear in  
10 the mine. Miners were afraid for their safety.  
11 Miners were afraid of speaking to MSHA and miners  
12 were afraid of getting fired if they spoke up  
13 about safety or spoke to MSHA. Miners who failed  
14 to participate in this culture or fear were pushed  
15 out, just like Mr. Baumann.

16           At the conclusion of this trial, Your  
17 Honor, the Secretary requests that the Court make  
18 a finding that Respondent discriminated against  
19 Robert Baumann, and that Respondent interfered  
20 with miners rights in violation of Section 105(c)  
21 the Mine Act. We will request the Court order  
22 Respondent to pay back wages to Mr. Baumann in the

1 amount of \$9,920, which accounts for the wages he  
2 would have received from American Tripoli for the  
3 time he was out of work as a result of his  
4 wrongful termination. We will also ask that you  
5 award interest on these back wages in accordance  
6 with commission case law, and award any other  
7 amounts to fairly compensate Mr. Baumann for his  
8 termination and the losses caused by his  
9 termination.

10 We will also ask that the Court award a  
11 civil penalty for the discrimination violations  
12 alleged in the Complaint and a separate civil  
13 penalty for the interference violation alleged in  
14 that Complaint. MSHA assessed a civil penalty of  
15 15,000 for the discrimination claim and 17,500 for  
16 the interference claim based on information  
17 gathered during the Secretary's investigation.  
18 These penalties were issued by MSHA prior to  
19 receiving the multiple Teams messages and evidence  
20 produced throughout discovery showing these  
21 violations are blatant, systematic and part of the  
22 culture at American Tripoli.

1                   We ask the Court to impose an  
2   appropriate civil penalty to punish the mine  
3   operator for its unlawful actions, defer future  
4   illegal conduct and put an end to the culture of  
5   fear that management has cultivated at American  
6   Tripoli.

7                   JUDGE MORAN: Thank you. Before you go,  
8   though, I just want to say, first of all, Court  
9   Reporter, did you get all of that?

10                  COURT REPORTER: Yes, sir.

11                  JUDGE MORAN: Was the attorney for the  
12   government speaking at too rapid a pace for you to  
13   comfortably be able to record this? Can you deal  
14   with witnesses that speak that quickly?

15                  COURT REPORTER: Yes, I can.

16                  JUDGE MORAN: Okay. And you'll speak up  
17   if you have a problem. Right?

18                  COURT REPORTER: Yes, sir.

19                  JUDGE MORAN: This is to help you out,  
20   Madam Court Reporter. When Attorney O'Reilly  
21   talked about a 104 order, I believe she was saying  
22   a 104(b) as in boy order. Did you know that? It



1 wasn't d, because there are 104(d) orders. Did  
2 you write that as b?

3 COURT REPORTER: Yes, I did.

4 JUDGE MORAN: Okay. Good. Just for  
5 clarification.

6 MS. O'REILLY: Thank you.

7 JUDGE MORAN: All right. So before I  
8 hear from Mr. Tidaback, I want to -- something you  
9 may already know. Opening statements are not  
10 evidence. They are statements of the parties'  
11 positions only. Okay. And it's meant to try and  
12 educate the court to have a waterfront view before  
13 the testimony begins. Before we get in the weeds,  
14 so to speak. So that's the purpose of that. And  
15 so I say that to just reassure you that these are  
16 assertions in an opening statement distinguished  
17 from evidence of the record in the record. All  
18 right. You understand that, sir?

19 MR. TIDABACK: Yes, sir. Thank you for  
20 that clarification, though.

21 JUDGE MORAN: Okay. All right. You're  
22 fine. Come on up here, and you're going to make

1 your opening statement. And for the record, it  
2 means nothing in terms of anything adverse that  
3 you are not an attorney, Mr. Tidaback. Right?

4 MR. TIDABACK: Not even close.

5 JUDGE MORAN: Okay. I didn't know that  
6 were gradations between being close or being an  
7 attorney.

8 MR. TIDABACK: The team we have, I give  
9 them credit because I couldn't do their job.  
10 They're very professional and well educated and  
11 well experienced, and I felt beat up the whole  
12 time. Accolades on the work that they do.

13 JUDGE MORAN: So now you can proceed  
14 with your opening statement.

15 MR. TIDABACK: Yes, Your Honor. Your  
16 Honor, we sit here today amongst the allegations,  
17 not -- that have not only been -- challenged the  
18 integrity of American Tripoli, but also have  
19 overshadowed our longstanding commitment to  
20 safety, compliance and the wellbeing of our  
21 employees. This company has in existence in its  
22 location since 1869. We purchased the company in

1 2021.

2           This case centered on Robert Baumann  
3 unfolds under two primary counts of discrimination  
4 as -- and interference as outlined. I do want to  
5 clarify, Mr. Baumann was not a supervisor. He was  
6 a shift lead, and there is a discrimination --  
7 there is a difference and we will discuss that  
8 later on as well. But it is crucial to understand  
9 that our decisions, including the regrettable  
10 termination of Mr. Baumann's employment were made  
11 with heavy hearts and in no way influenced by Mr.  
12 Baumann's engagement in protected activities or  
13 his interactions with MSHA inspectors, but with a  
14 structured and policy driven approach to  
15 employment decisions.

16           With a focus on operational efficiency  
17 and safety, our approach to this case and the  
18 detailed explanations provided for Mr. Baumann's  
19 termination indicate an effort to refute the  
20 allegations of discrimination or interference by  
21 demonstrating that the actions were taken in line  
22 with the established employments and operational

1 policies that are in place. Our actions have  
2 always been and will continue to be guided by the  
3 principles of fairness, safety and regulatory  
4 compliance.

5           Regarding allegations of discrimination,  
6 we assert that our employment decision was based  
7 solely on performance, conduct and operational  
8 needs. Any safety concerns raised by Mr. Baumann  
9 or any other employee have always been and always  
10 will be taken seriously as they formed the  
11 cornerstone of our operational ethos. As for the  
12 count of interference, it is our position that any  
13 communications or directives from management were  
14 intended solely to ensure the integrity of the  
15 inspection process and to maintain operational  
16 safety and efficiency. At no point did American  
17 Tripoli seek to obstruct or interfere with the  
18 rights of Mr. Baumann or any miner to communicate  
19 freely with MSHA inspectors. That's always been  
20 the case and we'll discuss that later.

21           Okay. So we trust that as this case  
22 unfolds the evidence will clearly demonstrate our

1     unwaivering commitment to our employees' rights,  
2     the safety and the law. Our intent is and has  
3     always been to foster a working environment that  
4     not only complies with MSHA regulations, but  
5     exceeds them ensuring -- ensuring the safety and  
6     the prosperity of all of our employees. Thank  
7     you, Your Honor.

8                 JUDGE MORAN: Thank you, and before you  
9     sit down, this will come in through testimony  
10    because as I mentioned this is not testimony, but  
11    for the purposes of the opening statement you  
12    acquired this mine in what year, sir?

13                MR. TIDABACK: June of 2021.

14                JUDGE MORAN: And the mine is located in  
15    where?

16                MR. TIDABACK: The pit itself is located  
17    in Ottawa County -- or Ottawa County, Oklahoma.  
18    The manufacturing plant is in Newton County,  
19    Missouri.

20                JUDGE MORAN: Is that close by to  
21    Joplin?

22                MR. TIDABACK: Forty minutes southeast

1 of here.

2 JUDGE MORAN: All right. Thank you.

3 MR. TIDABACK: Yes, sir.

4 JUDGE MORAN: Thank you for your opening  
5 statement, and let me just comment on one aspect  
6 of it, in that I don't think I mentioned this  
7 before, but to prevail in the case the secretary's  
8 burden is to demonstrate the elements by a  
9 preponderance of the evidence. That's a standard  
10 that's applied in these proceedings, and while I  
11 could be more articulate about it, it essentially  
12 means that the propositions involved in the case  
13 are shown to be more likely than not.

14 Okay. All right. Court reporter, how  
15 are you doing?

16 COURT REPORTER: I'm doing fine.

17 JUDGE MORAN: That's great. Thank you  
18 for your help. You're a critical cog here. I'm  
19 just a cog as well, but you're a critical one.  
20 All right. So now we're going to go off the  
21 record, take a ten-minute break, and then we'll  
22 begin. And before we do that, the first witness

1 the secretary will call will be?

2 MS. O'REILLY: Mr. Baumann.

3 JUDGE MORAN: Okay. And one other  
4 thing. Mr. Baumann, the time for a witness to be  
5 prepared for testimony has passed. There's  
6 nothing wrong with preparing witnesses, but there  
7 is something wrong with coaching witnesses. Okay.  
8 And I'm not suggesting that happened here.

9 Witnesses have to be prepared. However, you may  
10 not have communications now until this proceeding  
11 is over with any attorney for the government.  
12 Okay? Or anyone else you shouldn't be speaking  
13 with, but the point is, and I've seen this happen,  
14 unfortunately, sometimes during a break one  
15 counsel or the other on one side is seen  
16 conversing with a witness. That is not allowed.  
17 You understand, sir? Okay. Now let's take our  
18 ten-minute break. It's 9:48.

19 (Recess.)

20 JUDGE MORAN: Madam Court Reporter, can  
21 you hear me?

22 COURT REPORTER: Yes.

1 JUDGE MORAN: I want to, if I didn't say  
2 it before, if I did, forgive me, anytime you need  
3 to take a break, this is not just a matter of you  
4 can't hear someone, which is critical. If you  
5 need a personal break, you need to tell us. I  
6 don't want anyone to be uncomfortable, anyone, in  
7 this -- in this hearing. All right? So you'll  
8 speak up if you need a break?

9 COURT REPORTER: Yes, I will.

10 JUDGE MORAN: Okay, good. All right.  
11 I'm going to swear in Mr. Baumann now, and I can't  
12 get as close to you as I would like to swear you  
13 in, but please rise, sir. Raise your right hand.

14 First of all, state your name.

15 MR. BAUMANN: Robert Baumann.

16 Whereupon,

17 ROBERT BAUMANN  
18 was called as a witness and, having been first  
19 duly sworn, was examined and testified as follows:

20 JUDGE MORAN: Have a seat, and even  
21 though you just stated your name I want you to  
22 state it again and spell it for the record. Spell



1 your name.

2 THE WITNESS: Robert, R-o-b-e-r-t,  
3 Baumann, B-a-u-m-a-n-n.

4 JUDGE MORAN: Okay. Now, before we have  
5 questions I have to ask you, you heard Mr.  
6 Tidaback say that he's observed you speaking with  
7 the special investigator for the Secretary during  
8 our break.

9 THE WITNESS: Yes, Your Honor.

10 JUDGE MORAN: Okay. And were you  
11 speaking with the special investigator during the  
12 break?

13 THE WITNESS: Yes, Your Honor.

14 JUDGE MORAN: And what was the nature of  
15 your communication with the special investigator,  
16 sir? Reminding you that you're under oath.

17 THE WITNESS: Actually, we were talking  
18 about our health and having to pee a lot.

19 JUDGE MORAN: Okay. That's part of  
20 life.

21 THE WITNESS: Yeah.

22 JUDGE MORAN: More particularly, though,

1 my question is did you have any, and I underscore  
2 and emphasize the word any, communication about  
3 facts that you're to testify today or about the  
4 nature of the case with the special investigator?

5 THE WITNESS: No, Your Honor.

6 JUDGE MORAN: None?

7 THE WITNESS: None.

8 JUDGE MORAN: Okay. All right. That  
9 concludes my questions about that, but I do want  
10 to remind everybody in this room about what I said  
11 about talking with witnesses. It's forbidden.  
12 All right. So now we're ready to begin with  
13 testimony. Before we do begin, why don't you help  
14 me out, Attorney O'Reilly, and tell me which  
15 exhibit book if I need it in front of me right  
16 now, which one I should have ready.

17 MS. O'REILLY: The first one will be  
18 Volume 2, and if you'll notice they're all  
19 sequentially. So Volume 1 has Exhibits 1 through  
20 24 and Volume 2 that is Exhibits 26 through 43,  
21 and then 43 and 44 are from the Volume 3.

22 JUDGE MORAN: So for now 1 and 2?

1 MS. O'REILLY: Yeah, I'll be between  
2 Volume 2 and 1 for this testimony. I don't think  
3 I'll get into 3 at all.

4 JUDGE MORAN: All right. I'm ready.  
5 Okay. Begin, Attorney O'Reilly.

6 DIRECT EXAMINATION

7 BY MS. O'REILLY:

8 Q Good morning, Mr. Baumann.

9 A Good morning.

10 Q This case arises out of a complaint of  
11 discrimination that you filed with MSHA. Correct?

12 A Yes.

13 Q And what does that complaint allege?

14 A That I was terminated wrongly for  
15 participating in MSHA inspections and trying to  
16 stand up for the miners rights.

17 Q And who do you think had discriminated  
18 against you when you filed the complaint?

19 A Russell Tidaback, Jordan Tidaback and  
20 Jim Spears.

21 Q Could you explain what Mr. Tidaback's  
22 role is with the company?

1           A       The owner of the company.

2           Q       And what was Ms. Tidaback's role with  
3 the company?

4           A       Owner.

5           Q       And what was Mr. Spears' role with the  
6 company?

7           A       Operations manager.

8           Q       And was he your supervisor?

9           A       Yes.

10          Q       And you were employed by American  
11 Tripoli from June 16th, 2022 to April 17th, 2023.  
12 Is that correct?

13          A       Yes, ma'am.

14          Q       And you were terminated on April 17th,  
15 2020?

16          A       Yes.

17          Q       Explain to me what happened on the day  
18 you were terminated?

19          A       I was -- I received a text message the  
20 Sunday night before from John Spears and to be at  
21 the office at 8:00 a.m. that Monday, and I went  
22 into the office at 8:00 a.m. that Monday, waited

1 for Mr. Spears to get there, and then went into  
2 his office and he handed me a letter and he said,  
3 "Sorry. Russell told me to let you go."

4 Q And did you have any further  
5 conversation with Mr. Spears?

6 A All I said was, well, you know, I said,  
7 "I'm going to have to do what I'm going to have to  
8 do."

9 Q And is that all you said to Mr. Spears  
10 that day? Did he say anything else to you that  
11 day?

12 A He said I understand.

13 Q And did you speak to anyone else at  
14 American Tripoli that day?

15 A Jesse Moles.

16 Q And who is he?

17 A He was the safety person at the time.

18 Q And what did you speak to him about?

19 A I just told him that they had let me go,  
20 and you know, and that was about it. I mean, I  
21 told him he let me go and that I was going to go  
22 grab my stuff, and if he needed anything, that he

1     could still contact me because I was still the  
2     miners representative.

3             Q     Okay. And what was his response?

4             A     He kind of seen it. You know, he wasn't  
5     really surprised. He was surprised, but not  
6     really surprised.

7             Q     About your termination?

8             A     Yes, ma'am.

9             Q     And did you receive documentation  
10    regarding your termination?

11            A     The termination letter.

12            Q     Okay. Could you please turn to Exhibit  
13    P38. That would be in Volume 2 of the exhibit  
14    notebooks.

15                   JUDGE MORAN: That's 38?

16                   MS. O'REILLY: Yes.

17                   JUDGE MORAN: Okay. I'm doing that for  
18    the benefit of the court reporter. Are you there,  
19    Mr. Baumann?

20                   THE WITNESS: Yes.

21                   BY MS. O'REILLY:

22            Q     Do you know what this document is?

1           A       This is the termination letter that was  
2 handed to me.

3           Q       This is the termination letter you  
4 received on April 17th, 2023?

5           A       Yes.

6           Q       And is this a fair and accurate copy of  
7 the termination letter you received when you were  
8 terminated from American Tripoli?

9           A       Yes.

10           MS. O'REILLY: I move to admit Exhibit  
11 P38 into evidence.

12           JUDGE MORAN: Any objection?

13           MR. TIDABACK: None.

14           JUDGE MORAN: P38 is admitted.

15                   (Complainant's Exhibit P-38 was  
16 marked for identification and  
17 received in evidence.)

18           BY MS. O'REILLY:

19           Q       What was the stated reason for your  
20 termination in the letter?

21           A       In the letter it says poor performance,  
22 lack of leadership skills and for failure to

1 follow procedures and guidance given to your  
2 supervisor -- by your supervisor.

3 Q Were you told anything other than what  
4 is in this letter for why you were terminated?

5 A No.

6 Q Had you been having any performance  
7 issues at the time you were terminated?

8 A No.

9 Q Had you been disciplined or told that  
10 your job performance was lacking prior to your  
11 termination?

12 A No.

13 Q Was there an MSHA inspection in the  
14 weeks before your termination?

15 A Yes.

16 Q What happened during that inspection?

17 A They had received the results from the  
18 air test that was a couple weeks before, so the  
19 inspector came and to issue the -- let me get my  
20 timeline right there. Just one second.

21 JUDGE MORAN: Sure.

22 THE WITNESS: The air test came back,



1    okay, so then they issued some citations for  
2    American Tripoli to get PAPR systems and to  
3    provide -- to work on the air clean system in the  
4    building. And then the following, that Wednesday  
5    prior to me getting fired, the MSHA inspector  
6    showed back up. No PAPRs had been purchased.  
7    There was no attempts to work on any of the air  
8    cleaning systems, so he ordered the 104(b), the  
9    shutdown until --

10           JUDGE MORAN: Let me just -- I don't  
11    want to interrupt your flow, okay, but I hope you  
12    have notes you can pick up. But I'd like you just  
13    to ask Mr. Baumann just a few preliminary  
14    questions to educate me about the nature of this  
15    operation where he was employed. I'd like to know  
16    a paragraph or two from his words as to what's  
17    going on at this operation because I've never seen  
18    it.

19           MS. O'REILLY: Okay.

20           BY MS. O'REILLY:

21           Q     So let's start with, what was your job  
22    title at American Tripoli?

1           A       Production supervisor when I got hired  
2       is what I was told, and that's what was in the  
3       computer system.

4           Q       And that was your title the whole time  
5       you were there?

6           A       Yes.

7           Q       And did you work in the mill at American  
8       Tripoli?

9           A       Yes.

10          Q       And what type of work goes on in the  
11       mill?

12          A       That's where they -- I'll go through the  
13       -- the whole system. They mine the rock out at  
14       the pit. They bring it into Seneca to the  
15       processing plant. They dump it in a pit. It goes  
16       through a crusher. Goes up into big holding  
17       tanks, and then when we were producing or trying  
18       to produce, it would come out of the tanks into a  
19       fluid bed dryer to dry the product and then into a  
20       tube mill, which actually crushed it up into a  
21       fine like powder. And then it went through a --  
22       basically an air system type thing that classified

1    what grain or whatever, you know, how fine the  
2    powder was, whether we were running once ground or  
3    double ground, and then it went through  
4    classifiers, shakers, up through a big system into  
5    the finished goods hopper to go into a bag.

6               JUDGE MORAN:   And you said this is rock.  
7    Does it matter what type of rock?

8               THE WITNESS:   Tripoli is type of rock.  
9    I believe it's a -- because that was all under  
10   water, it's like dead, decayed.  It's really  
11   light.

12              JUDGE MORAN:   But it is a form of rock,  
13   but you don't know exactly -- you can't describe  
14   the type of rock.  I'm just curious about it.

15              THE WITNESS:   No.  No, Your Honor.  I  
16   did a lot of research and stuff into it, you know,  
17   but it's -- basically it's sediment.  You know,  
18   there's layers of it in the earth.

19              JUDGE MORAN:   Okay, and then --

20              THE WITNESS:   Real porous.  Sorry.

21              JUDGE MORAN:   No, you go ahead.

22              THE WITNESS:   It's real porous.

1 JUDGE MORAN: Coarse?

2 THE WITNESS: Porous.

3 JUDGE MORAN: Porous. Thank you.

4 Because you did work there for a period of time,  
5 do you have -- can you speak generally about the  
6 number of employees at -- at the location where  
7 you were working and how many employees? I'm not  
8 asking you as a personnel matter, but just is it  
9 two or three or a dozen or fifty? I don't know.

10 THE WITNESS: When I got hired, Your  
11 Honor, I believe there was -- there was  
12 approximately 20, 21 people there, I'm thinking.

13 JUDGE MORAN: That's an estimate?

14 THE WITNESS: Yeah.

15 JUDGE MORAN: It just gives me a sense  
16 of the operation. Do you have an objection, Mr.  
17 Tidaback?

18 MR. TIDABACK: I do.

19 JUDGE MORAN: Go ahead.

20 MR. TIDABACK: It's the accuracy behind  
21 it because the numbers were less than 12 at any  
22 given time that Mr. Baumann was actually there.

1 JUDGE MORAN: Okay. So you'll be able  
2 to handle those kind of questions when it comes  
3 time for cross examination, and he did say it was  
4 an estimate. I understand you take issue with it,  
5 but that's a question that you can -- when it's  
6 your turn to question the witness.

7 MR. TIDABACK: Okay. Yes, sir. I just  
8 -- I understand Mr. Baumann being a shift lead and  
9 not a supervisor or manager of people have the  
10 insight to the business. I could just give you  
11 that more information more accurately. I don't  
12 want to waste Mr. Baumann's time.

13 JUDGE MORAN: But you're not in your  
14 role as a witness right now, okay. And so you'll  
15 be sworn in if you decide to take the witness  
16 stand.

17 MR. TIDABACK: Yes, sir.

18 JUDGE MORAN: But for now I've ruled  
19 upon this, and I wanted an estimate for my  
20 purposes of understanding how big, what this  
21 operation is about, because I didn't see it in any  
22 of the documents, and I think I should know at

1 least rudimentarily about what this operation is.

2 MR. TIDABACK: Yes, sir.

3 JUDGE MORAN: Go ahead, Attorney

4 O'Reilly.

5 BY MS. O'REILLY:

6 Q And what type of product does the mine  
7 mine?

8 A Tripoli.

9 Q And do you understand what tripoli is  
10 made up of?

11 A It's just the ground up rock, you know.  
12 Basically ends up as a powder.

13 Q And do you have an understanding that's  
14 a silica based product?

15 A Yes.

16 Q Going back to the inspection where the  
17 104(b) order was issued.

18 A Yes.

19 Q You mentioned that was on the Wednesday  
20 before you were terminated. That sounds like that  
21 would have been April 12th, 2023. Does that sound  
22 right?

1           A       Yeah.  If that's the --

2           Q       And you participated in that MSHA  
3 inspection?

4           A       Yes.

5           Q       As the miners rep?

6           A       Yes.

7           Q       And did you participate in the  
8 inspection that occurred prior to that inspection  
9 where you were talking about having the air  
10 sampling?

11          A       Yes, ma'am.

12          Q       And the issue you're talking about with  
13 the dust, was that a silica dust issue?

14          A       Yes, ma'am.

15          Q       Had you previously, prior to your  
16 termination, raised concerns about dust safety  
17 issues to mine management?

18          A       Yes.  Especially after I learned what  
19 all, you know, it entailed and stuff, yes.

20          Q       And by what it entailed, are you talking  
21 about the safety hazard?

22          A       The safety of the silica dust, yes,

1 ma'am.

2 Q And what did you learn about those  
3 hazards?

4 A I knew it wasn't good for you, but after  
5 getting in and learning the MSHA and reading the  
6 MSHA, and silica is a big thing with MSHA and I'd  
7 never really realized that until I read the book.  
8 Started reading different things on it, and I was  
9 like, wow, you know, I looked out in the plant and  
10 you can see the -- you can barely see the lights  
11 and I was like, wow, this is probably not really  
12 good for us.

13 Q And about when did you get that  
14 understanding about the dangers?

15 A Right -- it was a little, probably about  
16 a month prior to the air test sampling.

17 Q Maybe sometime in February or March?

18 A Yeah. Around that time. It's been a  
19 year ago now, so exact dates.

20 Q And the 104(b) order, to your  
21 understanding, is issued because the prior  
22 citation for the overexposure had not been



1 terminated?

2 A Yes.

3 Q And after the citation for the  
4 overexposure was issued, did you raise any  
5 concerns about getting into compliance with the  
6 dust issues to management?

7 A Every day.

8 Q And what type of issues did you raise?

9 A If they had got the PAPR systems ordered  
10 or if they had figured a way around it, you know,  
11 just -- and if they had been -- they called  
12 anybody about getting the air system worked on.

13 Q And who did you raise those concerns to?

14 A John Spears and Jesse Molesi.

15 Q And what was the response you received  
16 to raising those concerns?

17 A John would always just tell me that he  
18 had to get with Russell about it, and Jesse was  
19 telling me that he was sending corresponding  
20 e-mails and stuff with Russell.

21 Q And did those issues get fixed before  
22 your termination?

1           A       No, ma'am.

2           Q       After the 104(b) withdrawal order was  
3       issued on April 12th of 2023, did you raise any  
4       concerns to Mr. Tidaback or Mr. Spears asserting  
5       the miners rights to be paid during that  
6       withdrawal order?

7           A       Yes.

8           Q       And when did you do that?

9           A       I believe it was that Thursday after we  
10      got shut down and they were -- you know, there was  
11      different Team chats, and they were talking about  
12      getting us back to being gainfully employed. And  
13      I had gotten an MSHA handbook and read, and I  
14      actually took a picture of the thing out of the  
15      MSHA handbook and sent it to John and I said it  
16      looks like we're entitled for at least up to the  
17      rest of that day's pay, plus four hours pay on the  
18      next day. And then because we weren't -- we  
19      didn't become in compliance with the safety  
20      issues, they could be responsible for paying us  
21      for longer, but I would -- I wasn't for sure on  
22      that, but I knew for sure and I had asked the MSHA

1 representative about it.

2 Q And what was the response? Did you get  
3 a response to that?

4 A No.

5 JUDGE MORAN: Excuse me. A little  
6 confusing. Did you get a response from the MSHA  
7 investigator or from the miner for -- I'm not sure  
8 who you're referring to with that no.

9 THE WITNESS: Yeah. I had talked with  
10 the MSHA representative and I said, I just want to  
11 make sure that I'm right before I send this, you  
12 know, explaining to them that they at least owed  
13 us for -- and the way that the MSHA rep explained  
14 it to me is that they were responsible for paying  
15 us for the rest of that day that they got shut  
16 down, and then up to four hours on the next day,  
17 because they did not.

18 JUDGE MORAN: Right. See, my role is  
19 not to determine whether you were entitled to pay.  
20 What I want to know is the response, you asked the  
21 MSHA inspector or representative from MSHA?

22 THE WITNESS: Yes.

1 JUDGE MORAN: And he answered you about  
2 what his view was?

3 THE WITNESS: Yes.

4 JUDGE MORAN: Not stating that's a fact,  
5 but he did respond to you?

6 THE WITNESS: Yes.

7 JUDGE MORAN: And that's what you're  
8 referring to when said the answer, you were not  
9 talking about Mr. Spears or someone else? You  
10 were talking about the --

11 THE WITNESS: No, I never got an answer  
12 from Mr. Spears or anybody from the company itself  
13 --

14 JUDGE MORAN: Okay.

15 THE WITNESS: -- after I sent that  
16 message.

17 JUDGE MORAN: Okay. Go ahead, Attorney  
18 O'Reilly.

19 BY MS. O'REILLY:

20 Q I'm sorry. Just to clarify, so you  
21 asked Mr. Spears about pay during the 104(b)  
22 withdrawal order. Correct?

1 A Yes.

2 Q And you never got a response from Mr.  
3 Spears about that?

4 A No.

5 Q And you mentioned earlier that you got  
6 an MSHA handbook?

7 A Uh-huh.

8 Q Who did you get that from?

9 A One of the MSHA inspectors.

10 Q You didn't receive that from American  
11 Tripoli?

12 A No.

13 Q What was the last day that you were at  
14 the mine prior to your termination?

15 A Physically at the mine would have been  
16 the Wednesday that they got shut down.

17 Q I think that's April 12th?

18 A April 12th, yes.

19 Q The last time you were at the mine it  
20 was April 12th, and then you came in on April 17th  
21 and were terminated?

22 A Yes.

1           Q     And in between there there was two  
2 weekend days because you were terminated on a  
3 Monday morning?

4           A     Yes.

5           Q     And you talked about the mill previously  
6 being located in Seneca, Missouri. Is that  
7 correct?

8           A     Yes.

9           Q     And then the pit, or the quarry, where  
10 is that located?

11          A     I believe it's about eight miles from  
12 the actual plant. It'd be considered Quapaw,  
13 Oklahoma, I believe.

14          Q     So product from Oklahoma gets mind up  
15 and brought to the Seneca, Missouri plant?

16          A     Yes.

17          Q     Who hired you at American Tripoli?

18          A     Christine Schreiber.

19          Q     Who is Christine Schreiber?

20          A     She was the operations manager at the  
21 time.

22          Q     And was she your supervisor?

1           A       Yes.

2           Q       When you were first hired?

3           A       Yes.

4           Q       And did you know her previous to working  
5   at American Tripoli?

6           A       Yes. She was my boss at Schreiber  
7   Foods, which I was there for 13 years.

8           Q       And how long was --

9                   JUDGE MORAN: That's fine. You know,  
10   I'm going to keep doing this. Court reporter,  
11   how's it going?

12                  COURT REPORTER: It's fine.

13                  JUDGE MORAN: Thank you. Okay.

14   Continue, Attorney O'Reilly.

15                  BY MS. O'REILLY:

16           Q       And how long did you work with Christine  
17   Schreiber when you were at Schreiber Foods?

18           A       Approximately a year I'm thinking.

19           Q       And at some point Mr. Spears became your  
20   supervisor. Correct?

21           A       Yes.

22           Q       And do you know about when that was?

1           A       I honestly don't. I know Christine  
2       wasn't there for maybe a couple months after she  
3       hired me.

4           Q       Okay. And then she left and Mr. Spears  
5       was hired for her role?

6           A       Yes.

7           Q       Was there a period of time where there  
8       was no operations manager?

9           A       If there was, it was very little.

10          Q       At the time you were terminated who  
11       would you say was in management at American  
12       Tripoli?

13          A       That would have been Russell, Jordan and  
14       John.

15          Q       Did Mr. Tidaback work regularly in  
16       Seneca, Missouri?

17          A       No.

18          Q       In your time working for American  
19       Tripoli, did you ever meet Russell Tidaback in  
20       person?

21          A       Yes.

22          Q       How many times?



1           A       I'm going to guess six or eight times.

2           Q       So in the ten months you were there he  
3 was there about six or eight times?

4           A       Yeah.

5           Q       Did you communicate with Mr. Tidaback  
6 while you worked at American Tripoli, other than  
7 those six or eight times?

8           A       Just on the Teams or via phone.

9           Q       And when you say Teams, are you talking  
10 about the Microsoft Teams like messaging app?

11          A       Yes.

12          Q       And you would communicate with Mr.  
13 Tidaback through messages on there?

14          A       Yes.

15          Q       And you said the phone, would you have  
16 phone calls with Mr. Tidaback?

17          A       We had just a few with maybe a couple or  
18 so. Honestly, I don't remember.

19          Q       So maybe a few phone calls in the entire  
20 ten months you were there?

21          A       Yeah.

22          Q       Did you ever send text messages to Mr.

1 Tidaback?

2 A Between the -- I called it Teams  
3 message, text messages, so yes.

4 Q Okay. So you're kind of referring to  
5 similar?

6 A Yes.

7 Q In the time that you worked at American  
8 Tripoli did you ever have a one-on-one  
9 conversation with Mr. Tidaback?

10 A No.

11 Q It was always in groups?

12 A Yes.

13 Q Who was in charge of day-to-day  
14 operations at the mine?

15 A John Spears.

16 Q Do you know if Mr. Spears communicated  
17 with Mr. Tidaback throughout the day while you  
18 were working for American Tripoli?

19 A Yes.

20 Q And why do you know that?

21 A He would -- we would ask John something  
22 and he would say that he had to go e-mail Russell

1 or, you know, stuff like that, and you could, when  
2 you went through the office, you could see him on  
3 his computer e-mailing back and forth with  
4 Russell.

5 Q And do you know about how frequently Mr.  
6 Spears was communicating with Mr. Tidaback?

7 A I don't. Multiple times a day, I would  
8 say.

9 Q Did Mr. Tidaback tend to know what was  
10 going on at the mine on a regular basis?

11 A Yes.

12 Q And how do you know that?

13 A Through John Spears.

14 Q Did Mr. Spears often refer to what Mr.  
15 Tidaback said or wanted in response to requests  
16 that you made?

17 A Rarely. I would get some answers, you  
18 know. It was always, well, I will have to get it  
19 okayed with Russell or --

20 Q When you started at American Tripoli  
21 what shift did you work on?

22 A I worked the day -- when I got hired

1     they hired me to do a second shift.

2           Q     And --

3           A     Pre-run, bulk bags.

4           Q     No, you go ahead. I interrupted.

5           A     To run bulk bags. They were behind on  
6     some orders, to run 2,000 pound bags of a product,  
7     and he was wanting to run a second shift to just  
8     run those bags while day shift ran the hundred  
9     pound bags or 50 pound bags.

10          Q     And what hours did you work when you  
11     were on night shift?

12          A     4:00 to 11:00. Or 4:00 to midnight, but  
13     we -- I mean, eight hours after -- I would get  
14     there at 4:00, and then we would run, run the  
15     production, yeah.

16          Q     And did you ever work more than eight  
17     hours while you were working the night shift?

18          A     Yes.

19          Q     Did you ever get paid extra for staying  
20     overtime in those instances?

21          A     No.

22          Q     How many people did you work with on the

1 night shift?

2 A There started out -- when we first  
3 started the evening shift there was three of us,  
4 and then the maintenance partner got fired, so  
5 then there just ended up being two of us.

6 Q And one person could not run the mill at  
7 night by themselves. Correct?

8 A No.

9 Q How many times did you work more than  
10 eight hours in a shift during the night shift?

11 A I'm going to say either going in early  
12 or staying over a little late, maybe at least once  
13 or twice every pay period, every couple weeks.

14 Q At some point you switched to day shift?

15 A Yes.

16 Q And why were you switched to day shift?

17 A We had actually caught up quite a few of  
18 the bulk bag orders that he was behind on because  
19 we were running so well in the evenings, and the  
20 machine started braking down from running so long  
21 at a time.

22 Q And so did they stop doing night shift

1     when you switched to day shift?

2             A       Yeah.

3             Q       And that's because the machinery just  
4     couldn't run that long. That was your  
5     understanding?

6             A       Yeah.

7             Q       Did anyone express to you that you had  
8     done a good job working on the night shift?

9             A       Oh, hell, yes.

10            Q       Who?

11            A       I got atta boys from Russell and John  
12     and Christine.

13            Q       What were the typical hours you worked  
14     while you were on day shift?

15            A       8:00 to 4:30.

16            Q       Did you ever work more than eight hours,  
17     the eight hours you were scheduled when you were  
18     working day shift?

19            A       Yes.

20            Q       And how often did you do that?

21            A       At least once a week.

22            Q       And did you keep track of it, the extra

1 hours worked?

2 A No, I did not.

3 Q Were you able to enter more than eight  
4 hours into your time record so you could get paid  
5 for those extra hours worked?

6 A No.

7 Q And why not?

8 A John spent -- all overtime had to be  
9 approved through John, through Russell, and you  
10 just were told not to enter anything over eight  
11 hours. There was not to be any overtime.

12 Q So how did you keep track of hours  
13 worked?

14 A I entered everybody's hours in the  
15 computer daily.

16 Q And were you just expected to put eight  
17 hours?

18 A Yes.

19 Q Did you use a time clock?

20 A No.

21 Q Even if you worked more than eight hours  
22 you were just expected to write eight hours?

1           A       Yes.

2                   JUDGE MORAN: Let me just interrupt. I  
3 take it you were a wage, hourly worker, not a  
4 salaried employee?

5                   THE WITNESS: I was hourly worker, Your  
6 Honor.

7                   JUDGE MORAN: Not salaried?

8                   THE WITNESS: Not salaried.

9                   JUDGE MORAN: Okay. Go ahead.

10                  BY MS. O'REILLY:

11                Q       And how much were you paid when you  
12 worked for American Tripoli?

13                A       Twenty dollars per hour.

14                Q       And was that the rate of your pay during  
15 the entire time you were there?

16                A       Yes.

17                Q       Could you open your notebook to Exhibit  
18 P4. In Volume 1.

19                A       Okay.

20                Q       And --

21                   JUDGE MORAN: I'm there, too, yes.

22 Thank you.



1 BY MS. O'REILLY:

2 Q Do you know what this document is?

3 A This is a payroll slip.

4 Q Have you seen this document before?

5 A Not this one. Well, yes.

6 Q And does this reflect your payroll  
7 details while working for American Tripoli?

8 A Yes.

9 Q And do you believe this is a true and  
10 accurate copy of your payroll records from  
11 American Tripoli?

12 A Yes. As far as I can tell by looking.

13 MS. O'REILLY: I move to admit Exhibit  
14 P4.

15 JUDGE MORAN: Any objection?

16 MR. TIDABACK: No, Your Honor.

17 JUDGE MORAN: Thank you. P4 is  
18 admitted.

19 (Complainant's Exhibit P-4 was  
20 marked for identification and  
21 received in evidence.)  
22

1 BY MS. O'REILLY:

2 Q And in here it shows your hourly rate as  
3 \$20 per hour. Correct?

4 A Yes.

5 Q And then if you look at overtime, it  
6 looks like it shows three hours overtime were  
7 paid?

8 A Yes.

9 Q Your testimony earlier is that you did  
10 work more than 40 hours a week on a fairly  
11 frequent basis?

12 A Yes.

13 Q So do you believe you worked more than  
14 three hours of overtime during the --

15 A Yes.

16 Q Where did you work at prior to your job  
17 at American Tripoli?

18 A I had worked at Schreiber Foods for 13  
19 years, and I left there and I was working at the  
20 Co-op in Baxter Springs, Kansas.

21 JUDGE MORAN: Let me interrupt, again.  
22 Okay? I would like you to go back to P4.

1 THE WITNESS: Yes, Your Honor.

2 JUDGE MORAN: And just help me out.

3 Probably I could deduce it, I hope. But this is a  
4 two-page exhibit. Correct?

5 THE WITNESS: Yes.

6 JUDGE MORAN: And do you -- do you  
7 understand the period of time covered by this  
8 two-page exhibit, which is entitled Payroll  
9 Details? What period of time is covered here  
10 where you had three hours of overtime? From what  
11 date to what date does this two-page exhibit  
12 cover? Do you know? Can you interpret this or  
13 you don't know how to read it?

14 THE WITNESS: This is just like a daily  
15 list of each time that they direct deposited.

16 JUDGE MORAN: Can you elaborate about  
17 what I'm looking at? For example, on the top line  
18 on Page 1 it says check date 7-01-2022 direct  
19 deposit.

20 THE WITNESS: Yes.

21 JUDGE MORAN: Then it says \$886.83?

22 THE WITNESS: Yes.

1 JUDGE MORAN: And what period of time is  
2 covered by that check? Do you know?

3 THE WITNESS: That would have been --  
4 they paid me weekly, so that would be the two  
5 weeks or the partial, it would have been a partial  
6 two weeks of when I started.

7 JUDGE MORAN: Okay. So it covers, for  
8 instance, the check date is 7-01, this would  
9 pertain to a period of June in 2022?

10 THE WITNESS: Yes.

11 JUDGE MORAN: And so following down,  
12 let's go to the next one which is two weeks later,  
13 7-15. You see that, \$1,239.47? Do you see that?

14 THE WITNESS: Yes, Your Honor.

15 JUDGE MORAN: And what does that  
16 represent?

17 THE WITNESS: That would have been the  
18 take home pay out of that pay.

19 JUDGE MORAN: For whom?

20 THE WITNESS: For me.

21 JUDGE MORAN: Yes. I know that, but I  
22 want it on the record. That's why I asked that.

1 See, I can deduce it, but it's better if you tell  
2 me. All right? All right. So are each of these  
3 lines, do each of these lines, Mr. Baumann,  
4 represent paychecks that were made to a direct  
5 deposit for you on the dates that are reflected  
6 here, beginning on 7-01 and continuing through  
7 4-21-23? 7-01-22 through 4-21-23?

8 THE WITNESS: Yes.

9 JUDGE MORAN: Okay. Go ahead. Thank  
10 you. If I didn't say it, I think I did, P4 is  
11 admitted. Go ahead, Attorney O'Reilly.

12 BY MS. O'REILLY:

13 Q I think you were talking about your --  
14 the job you had.

15 A Previous.

16 Q Right prior to American Tripoli you were  
17 working at the Co-op. Correct?

18 A Yes, ma'am.

19 Q And what were you doing there?

20 A I was the -- I mixed feed.

21 Q And how long had you been in that  
22 position?

1           A       About seven months there.

2           Q       And did you quit that job to take the  
3 American Tripoli job?

4           A       Yes.

5           Q       Have you ever been terminated from any  
6 other job other than the job you had at American  
7 Tripoli?

8           A       No.

9           Q       Prior to working at American Tripoli did  
10 you have any mining experience?

11          A       No.

12          Q       Did you have any experience with MSHA?

13          A       No.

14          Q       Did you know about the MSHA training  
15 requirements when you started at American Tripoli?

16          A       No.

17          Q       Did you receive any training from  
18 American Tripoli when you started your job?

19          A       About two weeks after we started we had  
20 about a 30, 45 minutes, like, went through safety  
21 stuff.

22          Q       And I'm going to be looking at Volume 2,

1 Exhibit P40.

2 JUDGE MORAN: Will you tell us when  
3 you're there?

4 THE WITNESS: I got it.

5 BY MS. O'REILLY:

6 Q Do you know what this document is?

7 A Yes. This is the training certificate  
8 that Bonnie handed me after we did the safety  
9 training that day.

10 Q You said Bonnie. Is that what you said?

11 A Yes.

12 Q So you've seen this document before?

13 A Yes.

14 Q And at the bottom do you see a  
15 signature? It looks like your name. Is that your  
16 signature?

17 A Yes.

18 Q Is this a true and accurate copy of the  
19 New Mining Training Certificate you signed while  
20 working at American Tripoli?

21 A Yes.

22 MS. O'REILLY: I move to admit Exhibit

1 P40 into evidence.

2 JUDGE MORAN: And again, to help me,  
3 does this reflect -- does this exhibit reflect a  
4 date that you received the training, or just the  
5 date you signed?

6 THE WITNESS: This is the date I  
7 received and signed the training paper.

8 JUDGE MORAN: What is that date, sir?

9 THE WITNESS: 7-05 of 2022.

10 JUDGE MORAN: Okay. Thank you. Exhibit  
11 P40 is admitted. I should have asked, I'm sorry,  
12 my fault. Any objections to this?

13 MR. TIDABACK: No, sir.

14 JUDGE MORAN: No.

15 (Complainant's Exhibit P-40 was  
16 marked for identification and  
17 received in evidence.)

18 BY MS. O'REILLY:

19 Q Were you provided with the training  
20 listed in this document before you signed this  
21 document?

22 A Not -- not all of it.



1           Q       And when you say --

2                   JUDGE MORAN: We have an objection?

3                   MR. TIDABACK: Yes, sir. I'm sorry,  
4   yeah. If you signed the document --

5                   MS. O'REILLY: Your Honor, he's asking  
6   questions out of turn.

7                   JUDGE MORAN: I will hear him out. Go  
8   ahead.

9                   MR. TIDABACK: If he's certifying that  
10   he received the training and he signed the  
11   document, that's when it goes into record. So if  
12   he's saying that he received the training before  
13   he signed the date, maybe the training was last  
14   week, but the day that they print out the  
15   paperwork and gave it to him is the day he signed  
16   it.

17                  JUDGE MORAN: Okay. I don't think  
18   there's any contest about that, but Attorney  
19   O'Relly was talking about prior to the date that  
20   this form was filled out, the certificate of  
21   training, if he received the training that's  
22   reflected on exhibit --

1 COURT REPORTER: I'm sorry -- Judge, you  
2 froze up. I missed you what you said. You said  
3 if he received the training reflected on and my  
4 screen froze.

5 JUDGE MORAN: Yes. My question was if  
6 Mr. Baumann was saying whether he had received --  
7 well, this is a bit of a conundrum. My question  
8 was whether he testified to receiving all of the  
9 training reflected on Exhibit P40, and my  
10 understanding, Mr. Baumann, is that although you  
11 signed this exhibit on 7-5-22, that not all of the  
12 training in Item 5 was actually received at the  
13 time you signed it?

14 THE WITNESS: No, Your Honor.

15 JUDGE MORAN: No, it was not?

16 THE WITNESS: No, it was not. I had not  
17 gotten all of the training that is checked on this  
18 piece of paper the day I signed it.

19 MR. TIDABACK: And that's my objection,  
20 Your Honor, because it states right there. I  
21 verify I have completed the above training.

22 JUDGE MORAN: That's a subject for

1 cross-examination. Okay. You're right. It's a  
2 problem in the sense that I guess the natural  
3 question that may be asked by Attorney O'Reilly  
4 is, it's up to you, why you signed having received  
5 the training when you've just testified that not  
6 all of the boxes that are checked on item --  
7 category 5, you've testified not all of that  
8 training as marked was actually received. Is that  
9 true?

10 THE WITNESS: Yes.

11 JUDGE MORAN: Then the question would  
12 be, Attorney O'Reilly.

13 BY MS. O'REILLY:

14 Q You understand here it's checked new  
15 miner training. Correct?

16 A Yes.

17 Q At the time that you signed this  
18 document did you know what new miner training  
19 entailed?

20 A No, ma'am, I did not.

21 Q At the time that you signed this  
22 document did you understand that new miner

1 training required training on all of the topics  
2 checked off on this training list?

3 A No, I did not.

4 Q And prior to receiving this -- signing  
5 this document, is this the 30 to 45 minute  
6 training you were talking about earlier?

7 A Yes.

8 Q And you had that with who?

9 A Bonnie Bainter.

10 Q And after she provided that training  
11 were you asked to sign this document?

12 A Yes.

13 Q Were you told why you were being asked  
14 to sign the document?

15 A She just said that it was kind of like  
16 OSHA, except for it was for miners, and that  
17 miners had to carry this piece of paper with them.

18 Q Did you have any idea at the time that  
19 you signed this document that you had not received  
20 a full new miner training under MSHA?

21 A No.

22 Q Did you ever receive 24 hours of new

1 miner training while you worked for American  
2 Tripoli?

3 A No.

4 Q And again, I think this may have been  
5 asked, but the date on this document is 7-5-2022.  
6 Correct?

7 A Correct.

8 Q And that's the date you received this  
9 about 30 minute training?

10 A Yes.

11 Q And what topics were gone over during  
12 that training? Do you remember?

13 A The lockout/tagout, combined space.  
14 Electrical hazards and stuff like -- forklift  
15 safety.

16 Q And prior to this date, 7-5-2022, had  
17 you received any MSHA training at the mine?

18 A No.

19 Q Were you ever given any additional MSHA  
20 training by anyone who works for American Tripoli  
21 after this date?

22 A No.

1           Q     Were you supervised closely prior to  
2     7-5-2022 when you received this training?

3           A     No.

4           Q     After you received this training were  
5     you supervised closely by anyone while you were  
6     working at American Tripoli?

7           A     No.

8           Q     Did anyone give you any task training on  
9     the jobs you would be doing while you're working  
10    at American Tripoli?

11          A     No.

12          Q     Was task training something that you had  
13    ever seen done while you worked at American  
14    Tripoli?

15          A     No.

16          Q     Were you made aware of MSHA's  
17    requirements regarding -- regarding task training  
18    while you worked at American Tripoli?

19          A     Not until it was brought up by the  
20    inspectors.

21          Q     And about when did that occur?

22          A     December to February probably.

1           Q     And you learned that just from the MSHA  
2 inspectors?

3           A     Yes.

4           Q     Did you ever receive any training from  
5 Mr. Tidaback on any of your job duties?

6           A     No.

7           Q     Did you ever receive any training from  
8 Mr. Tidaback on MSHA standards?

9           A     No.

10          Q     Looking back, do you feel like you had  
11 information necessary when you started working at  
12 American Tripoli to know what the MSHA standards  
13 required?

14          A     No.

15          Q     Do you feel like you were provided the  
16 information necessary at American Tripoli to know  
17 how to protect yourself and others from safety  
18 issues at the mine?

19          A     No.

20          Q     While you worked at American Tripoli did  
21 management stress compliance with MSHA standards?

22          A     No.

1 Q And why do you say that?

2 A Previous inspections like in November of  
3 2022, or whatever, we didn't even -- we weren't  
4 made aware of any of the citations or anything.  
5 We didn't know. I mean, honestly, we didn't know  
6 anything, and then like an MSHA inspector came in  
7 and started writing citations, you know, and he  
8 seemed frustrated. I thought, man, this guy is  
9 really out to get us or whatever, you know, and he  
10 said, well, I've been here before and we gave them  
11 so many days to get all these things fixed and  
12 nothing has been touched, so.

13 Q That MSHA inspector was referring back  
14 -- you're talking about there was an MSHA  
15 inspection about November of 2022?

16 A Yeah.

17 Q And you never learned about what  
18 citations were issued at that time?

19 A No.

20 Q And then when you learned about the MSHA  
21 inspection, that prior MSHA inspection from the  
22 MSHA inspector, was that around February of '23?



1           A       Something, approximately, yes, ma'am.

2           Q       Was Microsoft Teams used regularly at  
3 American Tripoli to communicate about what was  
4 going on at work?

5           A       Yes.

6           Q       And I think we've kind of brushed on  
7 this, but is there a feature in Microsoft Teams  
8 that allows you to send like text messages?

9           A       Yes.

10          Q       And were there -- how did -- were there  
11 groups of American Tripoli employees communicating  
12 with each other on Teams?

13          A       Yes. There was like multiple different  
14 category. Like maintenance group, a general group  
15 with everybody. A mill management group. Mill  
16 production group. I mean, there was just -- there  
17 was quite a few different ones, yes.

18          Q       There are various groups. And then  
19 could you also communicate individually with  
20 employees?

21          A       Yes.

22          Q       Did you use Microsoft Teams to

1 communicate with John Spears?

2 A Yes.

3 Q Would you also communicate with John  
4 Spears in person as well?

5 A Yes.

6 Q Did you use Teams to communicate with  
7 Mr. Tidaback as well?

8 A On occasion.

9 Q Would he be part of the groups that you  
10 were part of?

11 A Yes.

12 Q So if you made a message in a group, he  
13 would see that?

14 A He would have seen that.

15 Q And did all employees have access to  
16 Microsoft Teams?

17 A Through the general group, yes.

18 Q And is it your understanding that it was  
19 just employees and owners of American Tripoli  
20 participating in the Teams chats?

21 A Yes.

22 Q What would happen when someone quit or

1 was terminated with regard to access to Teams  
2 chat?

3 A They were taken out of it.

4 Q But did you use Teams to communicate  
5 about what was going on at work with your  
6 co-workers?

7 A Yes.

8 Q And with the owners and managers?

9 A Yes.

10 Q Were you ever told that you failed at  
11 using Microsoft Teams effectively while working at  
12 American Tripoli?

13 A No.

14 Q And it's my understanding that MSHA had  
15 several inspections while you were an employee at  
16 American Tripoli. Is that correct?

17 A Yes.

18 JUDGE MORAN: So again, don't lose your  
19 place, but help me out. Forgive me if I was  
20 making a note or something. I want to have a  
21 better understanding from the time that Mr.  
22 Baumann was hired until he was terminated. I

1 don't have a good sense about his -- what he was  
2 hired as and what he did and if it varied. If he  
3 says, well, in the first few weeks I was doing  
4 this and then after a couple months I was doing  
5 this job, and then I need to have an understanding  
6 of -- and maybe it was static. Maybe, you know,  
7 he was hired to do job X and he did that from day  
8 one until the day that he was terminated, but I  
9 want to have a good understanding of what his job  
10 was. I don't think I have a clear view of that  
11 yet.

12 BY MS. O'REILLY:

13 Q Mr. Baumann --

14 JUDGE MORAN: If we're going to come to  
15 that later that's fine, but it seems to me out of  
16 order to not be discussing it now. You're talking  
17 about Teams chat members -- Team chats, and I need  
18 to understand more of what he was doing.

19 MS. O'REILLY: Understood.

20 BY MS. O'REILLY:

21 Q What were your job duties while you  
22 worked at American Tripoli?

1           A       I was hired to be the productions, the  
2   lead over the production from day one until I got  
3   fired.

4           Q       Okay.

5           A       My job title never changed.

6                   JUDGE MORAN: Was that formally? If I  
7   looked at your paper on the day you were hired I  
8   would see, it would say production what?

9                   THE WITNESS: Production supervisor is  
10   what Christine hired me for.

11                  JUDGE MORAN: Right. And so tell us  
12   more about what you had to do. You say it was the  
13   same title until you were terminated?

14                  THE WITNESS: Yes.

15                  JUDGE MORAN: Tell me about -- and if  
16   it's one week was much like the other, accounting,  
17   you know, different problems can arise, tell me  
18   about what -- what your job typically entailed.

19                  THE WITNESS: On a good day, Your Honor,  
20   it would be to -- on the second shift I would  
21   overlap day shift 30 minutes, come in, find out if  
22   they were having any problems, anything like that.

1 Assist in -- I would get us our bulk bags and  
2 stuff ready for our shift. Pallets if we needed  
3 them. Stuff like that.

4 And then I was -- my duties were to feed  
5 the rock out of the tanks into the dryer, fluid  
6 bed dryer, through the system into the bag. Then  
7 I would -- we had labels to where -- what customer  
8 they were going to, you know, what it was. So we  
9 labeled them, and we put them in line, got orders  
10 ready. And then to shut the mill down, to -- you  
11 know, because it's -- starting up is a process,  
12 shutting down is a process, so you have to do  
13 things in certain steps, but -- and that that's on  
14 a good day.

15 On a bad day you would go in, something  
16 would be broke, you would have to fix it or work  
17 on it, help maintenance work on it, whatever. If  
18 the -- the temperature outside has a lot to do  
19 with running the product. Moisture, humidity, all  
20 those things, you know. So if you had to  
21 different -- there was different tasks. I walked  
22 around about once an hour to make sure all the

1 scrolls and all the pieces were moving so I  
2 wouldn't have backups or, you know, excessive  
3 dusting outside of the stacks and stuff like that.

4 JUDGE MORAN: Okay. And so I'll just  
5 take a couple more questions here, but so you tell  
6 me if this is accurate or needs to be explained  
7 further. Were you confined, I mean, limited to a  
8 certain part of the mill or did you -- did your  
9 duties encompass the entire operation, looking at  
10 everything that the mill was doing, or were you,  
11 again, in a discrete area most of the time in your  
12 employment?

13 THE WITNESS: No, I was all over. The  
14 building is not real huge and there's four  
15 different layers, four different -- and no, you  
16 had to be all over the mill at all times.

17 JUDGE MORAN: And during that time when  
18 you were all over the mill, did you interact with  
19 -- you told me there was something like 20 or so  
20 employees. That was an estimate, but did you  
21 interact with these employees at the mill?

22 THE WITNESS: On the day shift, whenever

1 I was getting trained or watching the operation, I  
2 would -- there was, I believe, eight, I think  
3 there were approximately eight people running the  
4 bags in the mill during the day, so I was watching  
5 them, and yes. And then it was just me and R.J.  
6 at night. And then we got less and less people.  
7 I think when I got fired there was maybe four  
8 employees total in the mill, but yes.

9 JUDGE MORAN: So fair to state,  
10 generally speaking, you interacted with the  
11 employees that were there, maybe not every day and  
12 not every employee, but there was some that you  
13 were not -- you were not restricted from  
14 interacting with the employees?

15 THE WITNESS: No.

16 JUDGE MORAN: Anyone that worked there  
17 you might come into contact with them. Is that  
18 fair?

19 THE WITNESS: Yes.

20 JUDGE MORAN: Go ahead, Attorney  
21 O'Reilly.

22



1 BY MS. O'REILLY:

2 Q You didn't work with the people that  
3 worked in the quarry, though. Correct?

4 A No, no. I never even visited the quarry  
5 in my employment there. The pit or whatever it's  
6 called, yeah.

7 Q And when you switched to day shift,  
8 about how many people were working there in the  
9 mill?

10 A I believe when I got switched to in the  
11 mill, in our group there was eight, I believe,  
12 when I got to days.

13 Q And those job duties that you've been  
14 describing, were those your job duties throughout  
15 your employment with American Tripoli?

16 A Yes.

17 Q Did you do workplace exams as part of  
18 your work at American Tripoli?

19 A I started doing them in December,  
20 January, maybe, of 2023.

21 Q Were you provided any training on how to  
22 do a workplace exam?

1 A No.

2 Q Were you expected to write down all the  
3 issues you found on workplace exam?

4 A Yes.

5 Q Okay. Was there enough space to write  
6 down all the issues you found?

7 A No.

8 Q And why was that?

9 A The first form -- so they found out MSHA  
10 said that you need to have workplace exams. So  
11 they put a form on the computer and it was  
12 basically if it's okay or not okay. And then  
13 maybe just a little tiny space, you know, note or  
14 whatever. And then they did change it and made a  
15 little bit bigger column out there where you could  
16 actually write, give a little description on what  
17 you found.

18 Q And would you note issues on those  
19 workplace exams that you found?

20 A Yes.

21 Q And did they correct all those issues  
22 that you would find on the workplace exam?

1 A No.

2 Q And why not?

3 A Either we didn't have a maintenance  
4 partner at the time, or it was -- if it had  
5 anything to do with shutting production down it  
6 wasn't getting taken care of.

7 Q And why do you say that?

8 A We were told to -- anytime anything was  
9 wrong it was we'll wait for a maintenance day to  
10 look at it.

11 Q Rather than fixing the issue?

12 A Yes.

13 JUDGE MORAN: Let me just -- when I do  
14 this, it's not to be rude. Court reporter, how  
15 are you doing?

16 COURT REPORTER: I'm fine.

17 JUDGE MORAN: Thank you. Go ahead.

18 BY MS. O'REILLY:

19 Q Did Mr. Spears or Mr. Tidaback ever  
20 express any issues with you with how you were  
21 doing your workplace exams?

22 A Not directly.

1 Q Did they indirectly?

2 A I never really -- I would make an issue  
3 and then I would bring it up, and I just always  
4 got told the same thing, you know. Well, unless  
5 it was something that would not let you run the  
6 system, it was not going to be fixed.

7 Q And would you say you raised multiple  
8 maintenance issues on there that were not fixed?

9 A Yes.

10 Q And were those maintenance issues that  
11 caused safety problems as well?

12 A Yes.

13 Q Were you in charge of maintenance at  
14 American Tripoli?

15 A No.

16 Q Did you ever receive task training to do  
17 any sort of maintenance work at American Tripoli?

18 A No.

19 Q Did you ever receive task training to do  
20 electrical work at American Tripoli?

21 A No.

22 Q Who was in charge of maintenance while

1     you worked at American Tripoli?

2             A       It was multiple -- they went through  
3     multiple maintenance partners at American Tripoli,  
4     so there was probably six or eight different -- at  
5     least six or eight different maintenance people  
6     there in my career.

7             Q       Would that be all at different times?

8             A       Yes.

9             Q       Did you ever have more than one  
10    maintenance person while you were there?

11            A       Very rarely.

12            Q       Did you ever have no maintenance people  
13    when you were there?

14            A       Yes.

15            Q       About how many times did that occur?

16            A       At least three times.

17            Q       And how long did that usually last?

18            A       Probably the longest was maybe three or  
19    four weeks without a maintenance person at all.

20            Q       And what happened when there wasn't a  
21    maintenance person if there was a maintenance  
22    issue?

1           A       We had to fix it or we went to John and  
2 he would work on it.

3           Q       Did you supervise the maintenance  
4 personnel?

5           A       No.

6           Q       Did you have authority to direct the  
7 work of maintenance personnel?

8           A       No.

9           Q       Did only having one maintenance person  
10 affect the ability to get things fixed timely in  
11 order to run production?

12          A       Yes.

13          Q       Did only having one maintenance person  
14 affect, make it difficult to keep up with safety  
15 issues that arose and needed to be fixed at  
16 American Tripoli?

17          A       Yes.

18          Q       While working at American Tripoli did  
19 anyone ever tell you that you had to meet a  
20 certain production quota?

21          A       No. Never said had to.

22          Q       Did you ever -- did Mr. Tidaback ever

1 tell you that you had to meet a 40,000 pound  
2 production demand every day?

3 A No.

4 Q Had you ever heard about any sort of  
5 40,000 pound production goal or quota?

6 A It was the -- it was assumed that that's  
7 what you would like to get on a good day, would be  
8 40,000.

9 Q But was that something that was stressed  
10 to you?

11 A No.

12 Q Did you communicate often with Mr.  
13 Tidaback about meeting production quotas or goals?

14 A No.

15 Q Did you communicate often with Mr.  
16 Spears about meeting production quotas or goals?

17 A No.

18 Q Were you ever counseled for not meeting  
19 production demands?

20 A No.

21 Q Were you ever given positive feedback  
22 regarding the amount of production you were able

1 to get?

2 A Yes.

3 Q From who?

4 A John Spears.

5 Q And when did that occur?

6 A It was actually probably about a month  
7 before I got fired. We were starting to run  
8 hundred pound bags again, and we were trying to  
9 get to the 40,000 pound, the 400 bags, and we were  
10 running, you know, 350 to 370 or whatever, close  
11 to, almost, and yeah, he more than once, great job  
12 today, team. Good job, guys.

13 Q And you say that happened in the last  
14 month of your employment?

15 A Yeah. Six -- you know, within probably  
16 -- I'm guessing within six weeks. It's hard for  
17 me to remember exactly, yes.

18 Q Understood. Was producing 40,000 pounds  
19 of product a day a realistic demand to meet every  
20 day?

21 A No.

22 Q Why not?



1           A     They had too many issues with equipment,  
2     weather, so many different variances.

3           Q     How often did you run into maintenance  
4     issues which caused you to have to stop  
5     production?

6           A     Some weeks daily.

7           Q     What about other weeks?

8           A     I'm going to say right when I first  
9     started we could run four or five days. You know,  
10    four days and then as we ran more and more things  
11    started breaking and the equipment is so old that  
12    naturally the more you run it the worse it's going  
13    to get, so multiple times there, from about  
14    November I think is when it really started going  
15    down. It was about almost every day something  
16    broke down.

17          Q     And when something broke down, did that  
18    cause production to have to stop?

19          A     Yes. The way the system runs, anything  
20    that breaks is really going to -- you're basically  
21    going to have to shut down, clean out the system,  
22    shut that machine down to work on it, you know.

1 Very few things can be worked on while running  
2 production.

3 Q And then if you had to shut down for a  
4 maintenance issue, did it take awhile to start  
5 back up again to run production?

6 A Yes.

7 Q Did you ever run a week straight without  
8 running into maintenance issues with the  
9 machinery?

10 A Not that I can remember.

11 Q What was John Spears' role with regard  
12 to production?

13 A He was the operations manager, so.

14 Q And what would you say his role was with  
15 regard to production specifically?

16 A Oh, I guess I don't understand. I'm  
17 sorry.

18 Q Would you say John Spears had ultimate  
19 responsibility over how much production was done  
20 at the mine?

21 A Yes.

22 Q In his role as operations manager?

1           A     Yes.

2           Q     Could your work alone have insured that  
3     production demands were met?

4           A     No.

5           Q     Why not?

6           A     It's -- I'd say with the equipment being  
7     the way it was and things breaking down or people  
8     not -- I mean, there's so many different things.

9           Q     So it sounds like there were a lot of  
10    production issues at the mine that were outside of  
11    your control?

12          A     Oh, yes.

13          Q     Would weather affect your ability to do  
14    production?

15          A     Yes.

16          Q     Can you explain that?

17          A     The temperature.  Actually, I don't even  
18    think you're supposed to try and run, just from  
19    talking to previous employees from years ago,  
20    anytime the temperature was below -- around 40  
21    degrees, you know, there was -- you couldn't even  
22    -- about -- about 30 degrees is pushing it to even

1 run the whole system. But the curative, the  
2 longer it takes -- because the product flows kind  
3 of like water and it's got to be hot. So it takes  
4 heat for it properly to get the flow of everything  
5 going, so the temperature was a huge. Naturally  
6 it's going to take longer to warm up, take longer  
7 to run things when it's cold outside. And if  
8 anything happened in the system got cool, then it  
9 would slow things down.

10 Q Were there ever any issues if the  
11 weather was too hot or too warm?

12 A If it's really, really hot the -- some  
13 of the machines would get over -- overheated. It  
14 would get too hot, you know.

15 Q So if they overheated, did you have to  
16 like stop production or slow down production?

17 A Yes.

18 Q Did you ever run into issues not having  
19 enough employees to run production at a level to  
20 meet a 40,000 pound production demand?

21 A Yes.

22 Q Can you explain that?

1           A     To properly have enough people to rotate  
2     through breaks and do lunches and stuff, to stack  
3     the hundred pound bags, and there should be some  
4     messages about this. I would say that a minimum  
5     of five people and there was multiple times there  
6     was three to four of us there doing it.

7           Q     How many times would you say you had the  
8     four to five people while you worked there?

9           A     To start out with, they always had  
10    enough people on the days to rotate in the crush  
11    and just -- and then I'm going to say the last  
12    three months of my employment we were pretty  
13    shorthanded.

14          Q     And that affected production?

15          A     Yes.

16          Q     In addition to all the internal issues  
17    with production, was production shut down by  
18    outside entities during your employment?

19          A     Yes.

20          Q     And can you explain that?

21          A     Due to dusting out into the city, the  
22    city -- the chief, the chief of police came down

1 multiple times and would get on to -- I guess he  
2 spoke with John most of the time. That he'd come  
3 in, say, hey, you know, you're dusting out pretty  
4 bad. People are calling, so there was probably  
5 three or four times of him shutting us down. And  
6 then the EPA lady or whatever, the environmental  
7 lady, she came down a few times. People would  
8 call her.

9 Q And when the sheriff would come, would  
10 he demand that production stop or what would  
11 happen?

12 A He most of the time spoke with John  
13 Spears. The one time that he did come in there to  
14 -- he pulled around there to us because we were  
15 outside looking to see how bad it was and stuff,  
16 he said -- he let us all know that he could arrest  
17 all of us for what was being done if we didn't get  
18 control of the dust or shut down.

19 Q That's what the sheriff told you?

20 A Yes. The police of chief of Seneca.  
21 Yes.

22 Q Was the mine also shut down by MSHA

1 during the time you were employed?

2 A Multiple times.

3 Q From February of 2023, let's say,  
4 through your termination on April 17th of 2023,  
5 about how many days would you say the mine was  
6 shut down because of MSHA citations?

7 A I'm going to say we probably only ran  
8 maybe two weeks in that span, and that's just  
9 totaling days maybe ran 14 days.

10 Q And that was because MSHA halted  
11 production because of various issues?

12 A MSHA halted production for various  
13 issues. We had a major breakdown, I believe, that  
14 caused us to be down.

15 Q For the last two months of your  
16 employment you would say there was maybe a total  
17 of 14 days where you could run?

18 A That's just a guesstimate, but yes.

19 Q Due to all these multiple issues you've  
20 been talking about?

21 A Yes.

22 Q In exhibit notebook 2 I'm going to have

1     you turn to Exhibit P27.

2                 JUDGE MORAN:   Just give me a second.

3     I'm making a note.   Okay.   P27.   Is that what you  
4     said?

5                 MS. O'REILLY:   Yes.

6                 JUDGE MORAN:   Are you there, Mr.  
7     Baumann?

8                 THE WITNESS:   Yes.

9                 BY MS. O'REILLY:

10                Q     Do you know what this document is?

11                A     Yes.   This is a production spreadsheet.

12                Q     And have you seen this document before?

13                A     Yes.

14                Q     And it looks like this shows the  
15     production at American Tripoli from November of  
16     2022 through March of 2023.   Would you agree with  
17     that?

18                A     Yes.

19                Q     And during your employment did you  
20     participate in adding information into this  
21     document?

22                A     Yes.



1 Q Can you explain what this document is?

2 A This was just -- so naturally you put  
3 the date, what you were running, the time span  
4 that you ran it, how many bags of it you ran and  
5 major down time issues.

6 Q And so was it a regular part of your job  
7 to add data to this document?

8 A Yes.

9 Q And how is the document maintained when  
10 you were adding data to it?

11 A How was it maintained?

12 Q Was it like on a computer that you were  
13 entering this information in?

14 A Yes.

15 Q And do you know if it was like an Excel  
16 spreadsheet?

17 A I don't know.

18 Q Okay. And was it a regular course of  
19 American Tripoli's business to create this  
20 document and add the data regarding production?

21 A Yes.

22 Q And does this appear to be a fair and

1 accurate copy of the production records from  
2 American Tripoli?

3 A It appears to be.

4 MS. O'REILLY: I move to admit this  
5 document, Exhibit P27 into evidence.

6 JUDGE MORAN: Okay. Before I ask, Mr.  
7 Tidaback, I have a question for Mr. Baumann. You  
8 see on Exhibit P27, and this page is 1 through 8.  
9 Correct?

10 THE WITNESS: Yes.

11 JUDGE MORAN: And the notes section of  
12 this, those notes on these various pages, except  
13 for Page P8 and Page 8 of P27, are those all notes  
14 you entered?

15 THE WITNESS: Not all of them, Your  
16 Honor, but I put notes and the down time issues,  
17 but I did not fill every one of these out.

18 JUDGE MORAN: Who else would have filled  
19 out these, if you know?

20 THE WITNESS: There was a couple of  
21 different times that we had a production helper  
22 that was responsible for the inventory and

1 responsible for me giving them the information to  
2 enter into this, and then there was a time span we  
3 had some -- we were shut down for some electrical  
4 issues through MSHA, so there was a time span we  
5 didn't have internet in the mill. So John Spears  
6 entered some of them. Kinsley entered some of  
7 them. Another production person that we had  
8 entered some of them.

9 JUDGE MORAN: Okay. And my last  
10 question about this exhibit is, other than the  
11 notes, which you say some were entered by you but  
12 some were entered by other people?

13 THE WITNESS: Yes.

14 JUDGE MORAN: Did you enter any of the  
15 other information? For example, look at Page 1 of  
16 P27. Were you responsible for any of these other  
17 various figures, you know, stock, completed order,  
18 etcetera? There are many categories. Number of  
19 pallets used. Did you enter information there?

20 THE WITNESS: Yes, Your Honor, I did.  
21 This was basically blank except for the dark blue  
22 at the top, and we filled out everything else.

1 JUDGE MORAN: When you say we, do you  
2 mean primarily you or was it collaborative effort?

3 THE WITNESS: I entered most of it most  
4 of the time.

5 JUDGE MORAN: Okay.

6 THE WITNESS: Time and time again we had  
7 the production specialist or whatever their title  
8 was, that was their job to do.

9 JUDGE MORAN: And you recognize this as  
10 this document you had played a significant role in  
11 completing information on this?

12 THE WITNESS: Yes.

13 JUDGE MORAN: All right. Any  
14 objections, Mr. Tidaback?

15 MR. TIDABACK: No.

16 JUDGE MORAN: All right. Then Exhibit  
17 P27 is admitted.

18 (Complainant's Exhibit P-27 was  
19 marked for identification and  
20 received in evidence.)

21 BY MS. O'REILLY:

22 Q In this document could you explain what

1 the column major down time event meant?

2 A Yes. Like we'd enter in whatever had  
3 broken that day.

4 Q So looks like there was a lot of major  
5 down time events in this time period.

6 A Yes.

7 Q And where it says, let me see, LBs made,  
8 for example, on Page 1, could you explain what  
9 that is in reference to?

10 A Pounds. Pounds that were produced that  
11 -- for that order that day.

12 Q It looks like there might have been more  
13 than one entry per day. Is that because you might  
14 be working on different orders?

15 A Yes.

16 Q And would all production at the mine be  
17 input into this document?

18 A Yes.

19 Q And it looks like, like if there isn't a  
20 day on here, does that mean that there wasn't  
21 production on that day?

22 A Yes. There was not production. If it's

1 not on this, there was not production on that day.

2 Q And then I'm going to have you flip to  
3 Exhibit P28. Go ahead and look through that and  
4 let me know when you're ready.

5 A Okay.

6 Q Do you know what this document is?

7 A No, I do not.

8 Q If you flip the page of it, I think the  
9 formatting came out a little different when we put  
10 it in a PDF, but if you flip through it can you  
11 kind of see, at least starting on Page 4?

12 A Yes.

13 Q The coloring didn't show up on this.

14 A Okay, okay.

15 Q So do these appear to be more production  
16 records?

17 A Yes.

18 Q Similar to the production records we  
19 were talking about in P27?

20 A Yes.

21 Q And it looks like if you look at it,  
22 it's showing production from January of 2022 on

1 Page 1 through November -- November of 2022 on  
2 Page 20. Correct?

3 A Yes.

4 Q And then it looks like on Page 21 it  
5 picks up again in April of '23 and goes through  
6 August of '23 on the last page. Is that correct?

7 A Yes.

8 Q And I understand that some of these time  
9 periods you were not employed. Right?

10 A No.

11 Q And does it appear to be a fair and  
12 accurate copy of production records from American  
13 Tripoli?

14 A Yes, it does.

15 Q And do you understand that we received  
16 this from American Tripoli in discovery in this  
17 case?

18 A Yes.

19 MS. O'REILLY: I move to admit this  
20 document P28 into evidence.

21 JUDGE MORAN: Okay. And before I turn  
22 to Mr. Tidaback, so Mr. Baumann, you agree that

1 this Exhibit P28 has 30 pages in it?

2 THE WITNESS: Yes, Your Honor.

3 JUDGE MORAN: And did I hear you  
4 correctly that some of the dates in this were  
5 after your employment ended. Is that true?

6 THE WITNESS: Yes, Your Honor.

7 JUDGE MORAN: And were the entirety of  
8 the pages, were any of these entries about major  
9 down time events/notes, were any of them entered  
10 by you or none of them by you?

11 THE WITNESS: Let me look. Some of  
12 these were entered by me, Your Honor.

13 JUDGE MORAN: Okay. And that's all I  
14 have to ask, except I have a follow-up question  
15 after I ask Mr. Tidaback if he has any objection.

16 MR. TIDABACK: No objection.

17 (Complainant's Exhibit P-28 was  
18 marked for identification and  
19 received in evidence.)

20 JUDGE MORAN: All right. Then P28 is  
21 admitted. So help me out with this, Mr. Baumann.  
22 What distinguishes, how is, in your opinion,



1    what's the value to me of P27 versus P28?  What  
2    distinguishes one from the other?  How is this  
3    information different?  Are they duplicative?

4               THE WITNESS:  Some.  The dates were just  
5    the difference.  P27.

6               JUDGE MORAN:  Apart from the dates, do  
7    they essentially address the same issues?

8               THE WITNESS:  Yes, Your Honor.

9               JUDGE MORAN:  Okay.  So this has been  
10   admitted.  If you have any follow-up questions,  
11   I'm not suggesting you do or should.  I'm just  
12   asking.  I'll give you the opportunity.

13              BY MS. O'REILLY:

14              Q     Looking at P27 and P28 today would you  
15   agree it shows production from about January of  
16   2022 through August of 2023, noting that there's a  
17   little bit of a gap in P28 which is a time period  
18   that's covered in P27?

19              A     Yes.

20              Q     In 2022, in P28 it looks like there may  
21   have been two shifts running during that time.  
22   Does that sound right?

1           A       Yes, ma'am.

2           Q       So some of the total production in a day  
3 in 2022 may reflect two shifts running?

4           A       Yes.

5           Q       And just, for example, I'll have you  
6 turn to Page 18 of P28.

7                   JUDGE MORAN: So while you're looking  
8 for that, I just want to make a comment to Mr.  
9 Tidaback about that. My memory works most of the  
10 time, but there was some with reference about, and  
11 the Secretary alluded to it, about some of the  
12 exhibits that the Respondent has are also being  
13 entered by the Secretary and I said, it really  
14 hasn't been a problem for me. But when it comes  
15 to your turn, it would be helpful if one side or  
16 the other identifies for me an exhibit was already  
17 admitted so I'll have two references. Do you  
18 understand? For instance, if there's something  
19 that's the same as -- I'm not saying it's the  
20 case, the same as P28 and then the Respondent has  
21 P11 and they're the same, it would be helpful for  
22 a reference point when I'm writing a decision to

1 drop a footnote indicating that they covered the  
2 same time period. All right?

3 MR. TIDABACK: Yes. Your Honor, if  
4 anything I'll try to refer to the Secretary's  
5 deal. That way you'll only have one copy of it.

6 JUDGE MORAN: Well, that means you'll be  
7 taking out some of your exhibits.

8 MR. TIDABACK: But if it's the same  
9 information, it would be the same.

10 JUDGE MORAN: I'm glad you feel that  
11 way. Go ahead.

12 BY MS. O'REILLY:

13 Q Yes. Just for reference, we are on Page  
14 18 of Exhibit P28. Are you there, Mr. Baumann?

15 A Yes.

16 Q And I just want to take a look at some  
17 of these entries for pounds made. For example,  
18 let's look at October 13th of 2022. It's towards  
19 the middle of the page.

20 A Yes, ma'am.

21 Q And it looks like there are two entries  
22 for that day. Right?

1           A       Yes.

2           Q       And if we go over to the pounds made  
3       column, one of those entries is 150 pounds and the  
4       other one is 1,950 pounds. Is that correct?

5           A       Yes.

6           Q       So something about 3,000 pounds for that  
7       day?

8           A       Yes, ma'am.

9           Q       And then let's go to October 14th of  
10       2022. It looks like there's two entries again.  
11       Correct?

12          A       Yes, ma'am.

13          Q       And if we go over to -- oh, and excuse  
14       me. For the record, on October 13th there was a  
15       third entry. One of them was also 5-25.

16          A       Yes.

17          Q       Do you see that? Sorry. Just to  
18       clarify that. So for October 14th of '22, you see  
19       two entries, one for 8,000 pounds, another for  
20       11,500 pounds.

21          A       Yes.

22          Q       So would that mean that on that day

1     there was 19,500 pounds of production?

2             A     Yes, ma'am.

3             Q     Okay. And then let's go to October 17th  
4     of 2020.

5                     JUDGE MORAN: You mean 2020?

6                     BY MS. O'REILLY:

7             Q     2022. Thank you. It looks like there's  
8     several entries, some saying first shift -- two  
9     saying first shift and three saying second shift.  
10    Is that right?

11            A     Yes.

12            Q     And on second shift there's an entry for  
13    2,000, another entry for 2,000, and then a third  
14    entry for 22,300. Is that right?

15            A     Yes.

16            Q     So just on night shift alone that day  
17    there would have been 26,300?

18            A     Yes.

19            Q     Okay. And then on October 19th there's  
20    two entries and they're both on second shift. Do  
21    you see that?

22            A     Yes, ma'am.

1 Q And those show 10,800 and then 6,000?

2 A Yes, ma'am.

3 Q So about 16,800 during that shift?

4 A Yes.

5 Q And then let's just go to October 21st.

6 There's four entries. Right?

7 A Yes.

8 Q Two for first and two for second?

9 A Yes.

10 Q And then on second shift alone there was  
11 11,100 and then 1,000 as well. Is that correct?

12 A Yes.

13 Q So looks like production kind of what we  
14 were talking about, kind of went up and down?

15 A Yes.

16 Q And these records reflect that?

17 A Yes, ma'am.

18 Q And then I'm going to turn your  
19 attention to Page 21 of Exhibit P28.

20 A Okay.

21 Q And these appear to be records from  
22 April of 2023. Is that correct?

1           A       Yes, ma'am.

2           Q       And I'll have you look at the entries  
3 for April 4th, 2023. Do you see that?

4           A       Yes.

5           Q       And there's two of those?

6           A       Yes.

7           Q       And there's one for 17,200 and then one  
8 for 16,000?

9           A       Yes.

10          Q       So on that day, if I'm doing my math  
11 correctly, it looks like there would have been  
12 33,200 pounds made?

13          A       Yes, ma'am.

14          Q       And that was just about two weeks before  
15 you were terminated?

16          A       Yes.

17          Q       And on April 6th of 2023, it looks like  
18 there's two entries again?

19          A       Yes.

20          Q       And first one is 10,900 and the second  
21 one is 26,900?

22          A       Yes, ma'am.

1           Q     And so a little over 37,000 pounds were  
2     made that day?

3           A     Yes.

4           Q     About 11 days before your termination?

5           A     Yes.

6           Q     And then on April 11th, 2023, you'll see  
7     two entries. Right?

8           A     Yes.

9           Q     And one is 4,000?

10          A     Yes.

11          Q     And one is 18,700?

12          A     Yes, ma'am.

13          Q     And then the next date on there is 4-28.  
14     Correct?

15          A     Yes.

16          Q     Okay. So this was the last -- 4-11 was  
17     the last date of production before your  
18     termination?

19          A     Yes.

20          Q     And it looks like that would have been  
21     22,700 pounds?

22          A     Yes, ma'am.



1 JUDGE MORAN: Now, let me interject.  
2 This is for benefit of both sides. I'm reasonably  
3 intelligent, but exhibits like this, in fact any  
4 exhibit, don't assume, well, he knows the purpose  
5 behind admitting 27 and 28. You should be express  
6 and say, literally, you commute the purpose of  
7 this exhibit is to demonstrate that and then it's  
8 like hitting me with a two-by-four, but hopefully,  
9 I'm picking up on this, but don't assume that I'm  
10 going to make these conclusions. Yes, Mr.  
11 Tidaback?

12 MR. TIDABACK: Your Honor, I understand  
13 the Secretary's trying to make a point that 40,000  
14 pounds which you're referencing, but I think the  
15 secretary is missing out on, there is a certain  
16 limit per hour per grade which --

17 JUDGE MORAN: And you know what, that's  
18 a fine comment and I know that I saw some  
19 exasperation on the part of Attorney O'Reilly,  
20 mild as it was, but I have some leeway to allow  
21 comments like that. But that, what you just said,  
22 you're not under oath and it's the subject of

1 cross-examination or direct testimony from  
2 witnesses you may call to explain further what's  
3 in this. So it's a little premature.

4 MR. TIDABACK: Okay.

5 JUDGE MORAN: But still, because of  
6 you're operating pro se and you're not an attorney  
7 I'm allowing a little more leeway, but don't  
8 forget that you still have to affirmatively have  
9 this as part of the record testimony if it's  
10 important. I always say that, because sometimes  
11 people put a lot of stuff on the record and much  
12 of it is not that important.

13 Ultimately I may conclude, so you'll  
14 have to make that decision on your own, whether  
15 this is worth raising for me to be alert to  
16 something or whether it's tangential.

17 MR. TIDABACK: Okay.

18 JUDGE MORAN: That's your call.

19 MR. TIDABACK: I was really trying to  
20 help the Secretary because I know she's trying to  
21 get numbers. I'm going to have to bring it up to  
22 Mr. Baumann afterwards, I guess, and it helps.

1 JUDGE MORAN: Yes. That's right. Okay.  
2 Go ahead. Attorney O'Reilly. So we're still on  
3 P28. Anything else about that?

4 MS. O'REILLY: No, nothing else about  
5 that.

6 JUDGE MORAN: I admitted P28.

7 BY MS. O'REILLY:

8 Q And, Mr. Baumann, just to kind of go  
9 back to something. It was your understanding that  
10 one of the reasons they told you they were  
11 terminated is because of production issues?

12 A Yes, ma'am.

13 Q Were you in charge of safety while you  
14 worked at American Tripoli?

15 A No.

16 Q Were you ever told that you were in  
17 charge of safety?

18 A No.

19 Q Were you given any training on what  
20 expectations American Tripoli had with regards to  
21 safety at the mine?

22 A No.

1           Q     Did anyone ever task you with ensuring  
2     that the mine was in compliance with MSHA  
3     standards?

4           A     No.

5           Q     Even if you had been tasked, were you  
6     ever given enough information to know what MSHA  
7     standards were required at American Tripoli?

8           A     No.

9           Q     Who was in charge of safety at American  
10    Tripoli?

11          A     If we didn't have a safety person at the  
12    time, it would be John Spears.

13          Q     Okay.

14          A     Ultimately.

15          Q     So if you had a safety person, what's  
16    that role? What was that title? Do you know?

17          A     They were over the safety, you know.  
18    They were supposed to make sure that everything  
19    was kosher safety wise and we were ready for MSHA  
20    inspections and stuff.

21          Q     So you're saying at some point, sometime  
22    there was a person with a role whose job is

1 safety?

2 A Yeah. I believe we had maybe three  
3 different safety people there in my employment,  
4 seven months.

5 Q Were there times when you didn't have  
6 someone enrolled -- employee in the role of  
7 safety?

8 A Yes.

9 Q About how often?

10 A I'm going to say at least, at least  
11 three months, four.

12 Q Out of the ten months?

13 A Out of the ten months I was there.

14 Q And I think you had said that John  
15 Spears was in charge of safety when there wasn't a  
16 safety person?

17 A Yep.

18 Q Did you have authority to direct the  
19 work of the safety personnel?

20 A No.

21 Q Did management at the mine make efforts  
22 to ensure the mine was in compliance with MSHA

1 standards?

2 A No.

3 Q Why do you say that?

4 A Like I say, we weren't made aware of any  
5 MSHA inspections or citations up until around  
6 November, December, and then once we learned what  
7 to look for and what to -- you know, different  
8 stuff because MSHA inspectors were pointing stuff  
9 out and things like that, you know. We never got  
10 -- for one, we never got the tools to fix the  
11 things that we needed. For two, if it took away  
12 from production, we weren't allowed to stop  
13 production to try and fix any safety issues,  
14 unless it was in dire need.

15 Q When you say you never got the tools,  
16 could you provide some examples of that?

17 A During one of the MSHA shutdowns a lot  
18 of it was to do with guarding, and we didn't have  
19 the proper metal to make the correct guards for  
20 stuff and they wouldn't get the metal for that or  
21 wiring to fix the electrical system. It was, you  
22 know, they had to change all the N sockets on the

1 light and it took like two weeks to get that stuff  
2 to change those out and just different stuff like  
3 that.

4 Q Did you ever raise questions to  
5 management about why those things weren't getting  
6 fixed?

7 A Yes.

8 Q And who did you question?

9 A John Spears.

10 Q And you also mentioned that if it took  
11 away from production, you weren't allowed to stop  
12 to fix the issues?

13 A No.

14 Q And why do you say that? Were you told  
15 that?

16 A Yes.

17 Q By who?

18 A John Spears.

19 Q Did you hear that more than once?

20 A Yes.

21 Q How often did you hear that?

22 A Most -- he would say, unless it is going

1 to shut us down, keep running.

2 Q And you heard that multiple times?

3 A Yes.

4 Q Was that a common response to questions  
5 -- to issues you raised around that?

6 A Yes.

7 Q To your knowledge, did the company have  
8 any written safety procedures?

9 A Not to my knowledge.

10 Q Were you ever provided with any written  
11 safety procedures?

12 A Not to my -- no.

13 Q Would you be surprised to find out that  
14 there are safety procedure documents on various  
15 topics at American Tripoli?

16 A Yes. Very surprised.

17 Q Would you know where to look while you  
18 were employed if you wanted to find a safety  
19 procedure?

20 A No.

21 Q Were there any sort of general safety  
22 rules at the mine that were maybe passed down



1 verbally?

2 A Do you know -- naturally, because I had  
3 worked in a manufacturing process before, the  
4 lockout/tagout, stuff like that, you know. But  
5 there was just so much more that I didn't know to  
6 look for, but.

7 Q Were you concerned about your safety  
8 while you worked at American Tripoli?

9 A Yes.

10 Q Why?

11 A Once I learned how harmful the silica  
12 dust was, once I learned that proper placing of  
13 guards and stuff and the things that we were  
14 working on, yes.

15 Q And were you -- were you concerned for  
16 the safety of other miners at American Tripoli as  
17 well?

18 A Yes.

19 Q Was it your job to keep track of miners  
20 hours worked?

21 A Yes.

22 Q And I believe we spoke earlier, there

1 was no time clock for this?

2 A No.

3 Q And were you ever told that you were  
4 failing at this task?

5 A No.

6 Q Was keeping up with mill production and  
7 production -- mill product and production supply  
8 inventory part of your job duties?

9 A No.

10 Q Were you told that that was your job  
11 duty?

12 A No.

13 Q Was handling shipping and receiving  
14 paperwork part of your job duties?

15 A Yes.

16 Q Were you ever told that there were any  
17 issues with your performance of this task?

18 A No.

19 Q Did you ever receive any training on how  
20 to do this task?

21 A No.

22 Q Was mailing and preparing easy to handle

1 retail bags part of your job duties?

2 A No.

3 Q Were you ever told that was that part of  
4 your job duties?

5 A No.

6 Q Was collaborating with maintenance on a  
7 preventative maintenance schedule part of your job  
8 duties?

9 A Yes.

10 Q Were you ever told that there were any  
11 issues with your performance of this task?

12 A No.

13 Q Was handling mill parts and supplies  
14 request to send to management for approval part of  
15 your job duties?

16 A No.

17 Q Were you ever told that was part of your  
18 job duties?

19 A No.

20 Q Was providing professional development  
21 counseling to miners part of your job duties?

22 A No.

1           Q     Did you personally ever receive any  
2 professional development counseling while working  
3 for American Tripoli?

4           A     No.

5           Q     Were you aware of anyone else ever  
6 receiving professional development counseling?

7           A     No.

8           Q     Did you ever send employees home early  
9 from work?

10          A     Yes.

11          Q     And if you did that, did you notify  
12 anyone?

13          A     Yes. I always had to get it okayed with  
14 either Christine or John.

15          Q     Did you have the authority to send  
16 employees home early?

17          A     Not to my knowledge. I always had to  
18 get it okayed.

19          Q     So if you ever allowed employees to go  
20 home early, you got approval from someone higher  
21 up from you first?

22          A     Yes.

1 JUDGE MORAN: Why would you send  
2 employees home early?

3 THE WITNESS: If there was maintenance  
4 issues that we couldn't fix or if we were waiting  
5 on parts, something major broke, we were going to  
6 be down, if they -- you know, if the mill  
7 associate asked, hey, we're not -- you know, we're  
8 sweeping. Do you care if I go home. I would say,  
9 let me get with John and if he's okay with it, I'm  
10 okay with it.

11 BY MS. O'REILLY:

12 Q So in those instances there wasn't  
13 really anything for those employees to be doing?

14 A No. I mean, just like I told them, if  
15 it was okay, if John didn't care, you know, and we  
16 weren't in the middle of working on something,  
17 that there were just so many non-production days  
18 that, yeah. I mean, if they asked, I never said  
19 they couldn't. I always got it approved.

20 Q And you never supervised employees?

21 A No.

22 Q Kind of backing up now. My

1 understanding is that MSHA had several inspections  
2 while you were an employee at American Tripoli.

3 Correct?

4 A Yes.

5 Q I'm going to look in Volume 1 at Exhibit  
6 P21. Sorry.

7 JUDGE MORAN: Before you get to P21,  
8 this is a good time to pause for a moment. We  
9 have been going for an hour and a half, which is  
10 not terrible. About how much time, if you know,  
11 will you have for your direct testimony of Mr.  
12 Baumann?

13 MS. O'REILLY: Left?

14 JUDGE MORAN: Yeah.

15 MS. O'REILLY: It could be two more  
16 hours.

17 JUDGE MORAN: Okay. All right. And so  
18 I think that -- remember, if anyone has like  
19 diabetes or any health issues you're supposed to  
20 tell me. I don't want anyone fainting in here or  
21 whatever, but I thought we'll see where we are in  
22 the testimony, but I thought from 12:30 to 1:30 we

1     could take our lunch break. I'm like a camel  
2     because I used to run marathons. If you don't  
3     want to have lunch break, that's kind of onerous  
4     on the court reporter and others, but if you want  
5     to have a very short lunch break. I don't know  
6     how close food is here, so at about 12:30 let's  
7     stop and see what people want to do. All right?  
8     Okay. We'll go back. We're still on the record.  
9     Yes?

10                 THE WITNESS: Could I have a restroom  
11     break?

12                 JUDGE MORAN: Right now, of course.  
13     We'll pause on the record for this. So we'll come  
14     back in five minutes everyone. All right?

15                 MS. O'REILLY: Thank you.

16                 JUDGE MORAN: Court reporter, thank you.

17                 COURT REPORTER: Thank you.

18                 JUDGE MORAN: Court reporter, you there?

19                 COURT REPORTER: Yes, I'm here.

20                 JUDGE MORAN: Okay. We're taking a  
21     five-minute break.

22                         (Recess)

1 JUDGE MORAN: We're back on the record.  
2 Go ahead, Attorney O'Reilly.

3 MS. O'REILLY: All right, everybody.  
4 Looking at Exhibit P21, and I will say this is a  
5 public document on MSHA's data retrieval system  
6 website. I would move to admit it on that basis  
7 alone, but if not, I can just use it to reference  
8 and kind of orient everyone and we can have the  
9 witness lay a foundation later.

10 JUDGE MORAN: Typically, Mr. Tidaback,  
11 these exhibits are admitted as business records.  
12 It's a one page exhibit, P21 and again, it's the  
13 -- what is it? Describe it.

14 MS. O'REILLY: It's from the mine data  
15 retrieval system. It's a public system about the  
16 mine system that MSHA maintains.

17 JUDGE MORAN: Okay. And if Mr. Tidaback  
18 or I want to look this up, how would one go about  
19 finding this exhibit?

20 MS. O'REILLY: It's on MSHA's website.

21 JUDGE MORAN: What would I enter to get  
22 this page?



1 MS. O'REILLY: I think if you Google  
2 mine data retrieval system and then it pops up and  
3 then you click on that and then you would enter  
4 the mine number.

5 JUDGE MORAN: So it's the mine number.

6 MS. O'REILLY: Yes.

7 JUDGE MORAN: Do you have any objection  
8 to this exhibit? Okay. P21 is admitted.

9 (Complainant's Exhibit P-21 was  
10 marked for identification and  
11 received in evidence.)

12 BY MS. O'REILLY:

13 Q Mr. Baumann, do you see the document in  
14 front of you, Exhibit P21?

15 A Yes.

16 Q And I'll represent to you that 2300504  
17 is the mine ID for American Tripoli.

18 A Yes.

19 Q Do you see that? And this lists several  
20 inspections of the American Tripoli mine, and I  
21 think we've been talking today about various  
22 inspections at the mine. And if you look at

1 inspection 7029430 under the event number. Do you  
2 see that, kind of midway down the page?

3 A Yeah. Verbal hazard complaints.

4 Q Yes. And it says inspection begin date,  
5 February 13, 2023. Inspection end date, 4-10-23?

6 A Yes.

7 Q And was this the first inspection that  
8 you worked around with MSHA during?

9 A Yes.

10 Q And why did you start walking around  
11 with MSHA during inspections?

12 A After the inspections that end of 2022  
13 to November, you know, November, December  
14 inspections and then we found out that we had so  
15 many citations I wanted to know, you know, because  
16 honestly I wanted us to run. I didn't like being  
17 down, so I was paying attention more to what they  
18 were pointing out, stuff like that.

19 JUDGE MORAN: Let me interrupt. Are you  
20 getting all this, court reporter?

21 COURT REPORTER: Yes, I am.

22 JUDGE MORAN: Okay. Thank you. Go

1 ahead, Attorney O'Reilly.

2 BY MS. O'REILLY:

3 Q Did you also participate in the  
4 inspection out of concern for miner safety?

5 A Yes.

6 Q And your own safety?

7 A Yes.

8 Q And during this February through April  
9 2023 inspection, did you walk around with MSHA on  
10 multiple different days?

11 A Yes.

12 Q Did Mr. Spears ever walk around with you  
13 when you were walking around with MSHA during  
14 these inspections?

15 A Yes.

16 Q Multiple times?

17 A Multiple times.

18 Q Did he ever see you walking around with  
19 MSHA, also?

20 A Yes.

21 JUDGE MORAN: Please keep your voice up.

22

1 BY MS. O'REILLY:

2 Q I'm going to have you turn to Exhibit  
3 P8.

4 JUDGE MORAN: P8?

5 MS. O'REILLY: Yes.

6 THE WITNESS: Got it, yes.

7 BY MS. O'REILLY:

8 Q Do you know what this document is?

9 A This looks like a Teams message sent  
10 from John to Gage.

11 Q And is this a screen shot of your phone?

12 A Yes. I screen shotted it on my phone.

13 Q And did you take this screen shot?

14 A Yes.

15 Q And this is a Microsoft Teams message,  
16 like the ones we've been talking about?

17 A Yes.

18 Q And when it says John S, what do you  
19 understand that to mean?

20 A That's from John Spears.

21 Q And where it says Russell T above that,  
22 who do you understand that to be?

1 A Russell Tidaback.

2 Q And I think you said you thought this  
3 message went to Gage Wheeler. Is that correct?

4 A Yes.

5 Q And why do you know that?

6 A Because that's -- it starts out Gage  
7 Wheeler, so that tagged him in it.

8 Q And if you were taking a screen shot of  
9 this, was this message also sent to where you  
10 could see it, too?

11 A Yes.

12 Q Was it in a group? Do you know?

13 A I think it probably would have been in a  
14 maintenance group.

15 Q And you were part of that?

16 A Yes.

17 Q Is this a true and accurate copy of the  
18 screen shot of this Teams message from your phone?

19 A Yes.

20 MS. O'REILLY: I move to admit Exhibit  
21 P8.

22 JUDGE MORAN: Any objection?

1 MR. TIDABACK: It's not comprehensive to  
2 everything that was actually in the discussion,  
3 Your Honor.

4 JUDGE MORAN: Okay. And again, just for  
5 your edification, that's something that you can  
6 address during cross-examination.

7 MR. TIDABACK: Yes, sir.

8 (Complainant's Exhibit P-8 was  
9 marked for identification and  
10 received in evidence.)

11 JUDGE MORAN: Okay. So this is a word  
12 at counsel table. I'm not perfect on this, but  
13 you should be keeping a running log of all  
14 exhibits that are admitted. I've got right now  
15 P38, P4, P40, P27, 28, 21 and 8. That's all I  
16 have. Okay. You're the person I want to rely  
17 upon if I miss some.

18 MS. SMITH: Yes, Your Honor. I'm  
19 keeping a list as well.

20 JUDGE MORAN: Okay. Go ahead, Attorney  
21 O'Reilly.

22

1 BY MS. O'REILLY:

2 Q This message in the middle from John S,  
3 which you said is John Spears, it looks like it's  
4 dated February 14th at 6:35 a.m. Is that correct?

5 A Yes.

6 Q And this message says "Gage Wheeler, do  
7 not answer any questions about the -- that the  
8 MSHA inspector may have. Do not go into the mill.  
9 I'll be the person who talks to me inspector."  
10 Did I read that correct?

11 A Yes.

12 Q Who is Gage Wheeler?

13 A He was the maintenance person at the  
14 time.

15 Q And he was an employee of American  
16 Tripoli?

17 A Yes.

18 Q Was there an MSHA inspection on this  
19 day?

20 A Yes, I'm sure there was.

21 Q What did you take this message to mean?

22 A For us not to speak with the MSHA

1 inspectors.

2 Q And was this the first time you had  
3 heard a message like this at American Tripoli?

4 A No.

5 Q Did you walk around with MSHA during the  
6 inspection of February 14th?

7 A I believe so.

8 Q Did Gage Wheeler?

9 A I believe so.

10 Q Can you turn to Exhibit P9.

11 A Yeah.

12 Q Do you recognize this document?

13 A Yes.

14 Q And it looks like at the top, the very  
15 first message from John Spears is the same message  
16 you took a screen shot of in P8?

17 A Yes.

18 Q And you said this message was also sent  
19 to you?

20 A Yes.

21 Q And did you also receive these  
22 additional messages in this chat?



1           A       Yes.

2           Q       And you believe this was part of the  
3 maintenance group chat at American Tripoli?

4           A       I believe so.

5           Q       And who would have been a part of that?  
6 Do you know?

7           A       Would have been myself, Gage Wheeler,  
8 Russell Tidaback, Jordan Tidaback and John Spears.

9           Q       Okay. And in here, kind of towards the  
10 middle and then the bottom it says unknown user  
11 for some of the messages, and there's like a UU.  
12 Do you see that?

13          A       Yes, I see that.

14          Q       Do you know who that would have been?

15          A       That would have been Russell Tidaback.

16          Q       The unknown user?

17          A       Just -- yeah.

18                 JUDGE MORAN: Can you ask him how he  
19 would know?

20                 BY MS. O'REILLY:

21          Q       Yeah. How would you know that?

22          A       Because there was only what, four of us

1 in the group and John Spears is the JS.

2 Q Okay. And then there's also blue  
3 messages. Do you know who those blue messages  
4 would be?

5 A Okay. So the unknown user on this page  
6 would have been Gage Wheeler. I apologize. I  
7 didn't read -- didn't read long enough, and the  
8 blue boxes, I believe, would be Russell Tidaback.

9 Q And why do you -- why do you believe  
10 that?

11 A Just from the conversations.

12 Q And you recall those conversations?

13 A Yes.

14 Q Sir, I'll make the record a little  
15 clear. You recall this conversation?

16 A Yes.

17 JUDGE MORAN: Are you telling me, Mr.  
18 Baumann, that on this Microsoft, what's it called?

19 MS. O'REILLY: Teams.

20 JUDGE MORAN: Teams, that you can be a  
21 part of the communication and it doesn't identify  
22 who's talking?

1           THE WITNESS: It's supposed to. This --  
2       these messages are really, really familiar, and I  
3       don't know why they don't have the initials beside  
4       them.

5           JUDGE MORAN: Okay. Well, let me ask  
6       you a couple other questions about this. You see  
7       on P9, it's a one-page exhibit. Right?

8           MS. O'REILLY: Correct.

9           JUDGE MORAN: I'm asking him.

10          THE WITNESS: Yes.

11          JUDGE MORAN: And so in the middle  
12       there's a blue area and it begins saying yep.  
13       Y-e-p, which is yes. Okay. And are you telling  
14       me that you can identify that yep and then it's  
15       all good, and what was the question, that you can  
16       identify who wrote that message from Microsoft  
17       Teams?

18          THE WITNESS: Yeah.

19          JUDGE MORAN: And how can you do that?

20          THE WITNESS: There was only --

21          JUDGE MORAN: You said four?

22          THE WITNESS: Yeah.

1 JUDGE MORAN: So there's you.

2 THE WITNESS: Yup.

3 JUDGE MORAN: Mr. Spears.

4 THE WITNESS: Gage Wheeler and Jordan  
5 Tidaback.

6 JUDGE MORAN: Oh, and Jordan Tidaback.  
7 Okay. And how do you know it wasn't Russell  
8 Tidaback?

9 THE WITNESS: How do I know it wasn't or  
10 it wasn't?

11 JUDGE MORAN: How do you know it was  
12 Jordan as opposed to her father?

13 THE WITNESS: Oh, I don't know whether  
14 it was Jordan. I'm saying in the blue box, from  
15 what I'm -- the way I reading it, it was Russell  
16 in the blue box talking.

17 JUDGE MORAN: How do you know that  
18 versus some other Tidaback? It's just a guess?

19 THE WITNESS: Yeah, I mean, I don't 100  
20 percent sure and I don't know why the names are  
21 blocked off, because all of our Teams messages had  
22 our initials with a picture or whatever beside it.

1 JUDGE MORAN: Okay. Thank you. Go  
2 ahead, Attorney O'Reilly.

3 BY MS. O'REILLY:

4 Q Mr. Baumann, it's your understanding  
5 that we received these Teams messages during  
6 discovery from Respondent in this case?

7 A Yes.

8 Q When you were using Microsoft Teams  
9 regularly as part of your job, did you understand  
10 that your messages would show up as blue and these  
11 other messages would be the gray or white?

12 A Yes.

13 Q Okay. So would it make sense that if  
14 Mr. Tidaback was the one who produced these  
15 documents that his messages would be the ones that  
16 are blue?

17 A Would have been in the blue, yes.

18 Q And after you were terminated from Mr.  
19 -- I mean, from American Tripoli, after employees  
20 were terminated from American Tripoli, were they  
21 removed from Teams chat?

22 A Yes.

1           Q     And these Teams messages were pulled  
2     during the time of this litigation after Gage  
3     Wheeler was no longer employed. Is that possibly  
4     why he may have shown up as an unknown user?

5           A     Maybe. I'm assuming so, yes.

6           MS. O'REILLY: I move to admit Exhibit  
7     P9 into evidence.

8           JUDGE MORAN: Attorney O'Reilly, P9 was  
9     through discovery you received this from American  
10    Tripoli. Correct?

11          MS. O'REILLY: Correct.

12          JUDGE MORAN: Do you have any objection  
13    to P9?

14          MR. TIDABACK: Is P9 and P10 the same --  
15    or excuse me, P9 and P7. I'm sorry. No, P8 and  
16    P9 are the same, so P9, no objection from me, Your  
17    Honor.

18          JUDGE MORAN: Okay. So P8 was  
19    previously admitted and P9 is admitted now.

20          MR. TIDABACK: Okay. Because P8 is P9,  
21    just so we're good.

22                   (Complainant's Exhibit P-9 was

1                   marked for identification and  
2                   received in evidence.)

3                   JUDGE MORAN: I don't know if it's one  
4                   to one, and if that's important then one side or  
5                   the other, I mean, they look -- they're not  
6                   identical one page exhibits. P8 may have  
7                   duplicate -- duplicate material in P9, but they're  
8                   both admitted. Go ahead.

9                   BY MS. O'REILLY:

10                  Q       And, Mr. Baumann, just to clarify for  
11                   the record, on P8, this is taken at a screen shot  
12                   from your phone while you were still employed.  
13                   Correct?

14                  A       Yes, ma'am.

15                  Q       And this shows that Russell T was part  
16                   of this Teams message that we're seeing more fully  
17                   in P9?

18                  A       Yes.

19                  Q       And after you were terminated from  
20                   American Tripoli, you no longer had access to  
21                   Teams messages?

22                  A       No, ma'am.

1           Q     So during this litigation you couldn't  
2     have gone in and got the rest of this message that  
3     you had from P8?

4           A     No.

5           Q     So the first message in P9 contains the  
6     message at 6:35 a.m. that we previously discussed  
7     in P8. Correct?

8           A     Correct.

9           Q     And then, almost four hours later, Don  
10    Spears says at 10:13 a.m., "I understand. I  
11    should have been more specific about not  
12    volunteering information. I will escort the  
13    inspector." Did I read that correct?

14          A     Yes.

15                JUDGE MORAN: But I'm lost as to where  
16    are you reading from, which exhibit and where?

17                MS. O'REILLY: P9, the second message on  
18    that page.

19                JUDGE MORAN: Okay. Thank you. Okay.  
20    Go ahead.

21                BY MS. O'REILLY:

22          Q     What did you understand not volunteering



1 information to mean?

2 A Not to speak to the inspectors.

3 Q Did you understand that you weren't  
4 supposed to be pointing out issues to the  
5 inspectors?

6 A Yes.

7 Q Had you received messages like that  
8 before?

9 A Yes.

10 Q While working at American Tripoli?

11 A Yes.

12 Q At 10:13 a.m. had you already been  
13 walking around with the MSHA inspector?

14 A Yes.

15 Q And then toward the bottom of Page 9  
16 there's some blue messages that you had  
17 represented were Mr. Tidaback. Correct?

18 A Yes.

19 Q And at 11:26 a.m. it said "Amen to  
20 that." Do you see that?

21 A Yes.

22 Q And then it says, "Oh, well, thanks for

1 just nodding and agreeing with the inspector.

2 That's all we can do." Did I read that correct?

3 A Yes, you did.

4 Q And what did you understand that to  
5 mean?

6 A That Gage didn't offer any information  
7 to the inspector, and just nodded and agreed to  
8 the questions or whatever that the inspector said,  
9 is what I am -- the way I am taking it. Thanks  
10 for not saying anything to the inspectors.

11 Q Was it your understanding that that was  
12 kind of the expectation provided, to just nod and  
13 agree?

14 A Yes.

15 Q And not offer up any information to  
16 MSHA?

17 A Do not offer any information to MSHA.

18 Q And that was communicated to you more  
19 than just this message?

20 A Yes.

21 Q Can we turn to Exhibit P10. Do you see  
22 this message? Do you know what this document is?

1           A       This is more Teams messages.

2           Q       Does it appear to be a continuation of  
3 the communication from Exhibit P9?

4           A       Yes, it does.

5           Q       So you would have been part of this chat  
6 group and received these messages?

7           A       Yes.

8           Q       And so unknown user would still be Gage  
9 Wheeler here. Is that correct?

10          A       Yes, it would be.

11          Q       And these blue messages you still would  
12 understand those to be Russell Tidaback?

13          A       Yes.

14          Q       And I think you testified earlier that  
15 Jordan Tidaback may have been in this Teams chat,  
16 too?

17          A       Yes.

18          Q       Do you see her message clear down below?

19          A       At the bottom, yes.

20          Q       Does that further support your  
21 understanding that the blue messages were Russell  
22 Tidaback?

1 A Yes.

2 Q Because there was no one else it could  
3 have been at that point. Right?

4 A No.

5 Q Because you were not --

6 A Not me. It was not me making -- making  
7 any messages, so it would have had to have been  
8 the other.

9 Q And then do you see a message from  
10 Jordan Tidaback at the bottom, at 11:49 a.m.?

11 A Yes.

12 Q And at the beginning it states, "Hi,  
13 Gage. We spoke with John about that. You are  
14 absolutely allowed to answer questions the MSHA  
15 inspector has (obviously). I think John may have  
16 meant don't just go up to him and point out  
17 everything under the sun. We've had people doing  
18 that, knowing very well it's an issue being worked  
19 on." Did I read that correct?

20 A Yes, you did.

21 Q What did you understand that message to  
22 mean?

1           A       To not just, yet again, not to volunteer  
2 any information to the MSHA people.

3           Q       And do you recall any incident where  
4 somebody has gone around and pointed out issues?

5           A       Yes.

6           Q       Could you explain that?

7           A       There was a maintenance and a safety  
8 person, miners back in, I believe it was around  
9 November and December. There's just be so many,  
10 but anyway, they were walking around and they had  
11 started asking the inspectors and stuff about  
12 spots on the floor, different electrical issues,  
13 and it got brought up that they had spoke to them  
14 and not to speak to the MSHA inspectors like they  
15 did.

16          Q       And what happened to those miners? Do  
17 you know, are they still employed?

18          A       No, they are not.

19          Q       Were they terminated?

20          A       Yes.

21          Q       Do you know when they were terminated?

22          A       Right after that. I mean, within a

1 month, I believe, of being -- of all of that stuff  
2 going on, or maybe a few weeks.

3 Q Do you know what those miners' names  
4 were?

5 A Carson Allman and Terry Neuber.

6 Q I'm going to turn to Exhibit P13.

7 JUDGE MORAN: You didn't move to admit.

8 MS. O'REILLY: Thank you. I would move  
9 to admit Exhibit P10.

10 JUDGE MORAN: This was an exhibit you  
11 received in discovery from the respondent?

12 MS. O'REILLY: Correct.

13 JUDGE MORAN: Have any objection? Okay.  
14 Thank you. P10 is admitted.

15 (Complainant's Exhibit P-10 was  
16 marked for identification and  
17 received in evidence.)

18 BY MS. O'REILLY:

19 Q Now I'll move on to Exhibit P13.

20 A Okay.

21 Q Have you seen this document before?  
22 There's multiple pages.

1           A     Oh. Yeah. Let me look through here to  
2     make sure that --

3                   JUDGE MORAN: Multiple pages, huh?  
4     That's an understatement.

5                   THE WITNESS: Yeah.

6                   JUDGE MORAN: This Exhibit P -- proposed  
7     Exhibit P13 goes for 467 pages.

8                   MS. O'REILLY: Correct.

9                   JUDGE MORAN: Was this also received  
10    from the Respondent in discovery?

11                  MS. O'REILLY: Yes, Your Honor.

12                  JUDGE MORAN: All 467 pages?

13                  MS. O'REILLY: Yes. I put in totality.

14                  JUDGE MORAN: This is an entirety, all  
15    467 pages are received from American Tripoli?

16                  MS. O'REILLY: Yes. As one document.  
17    That's all.

18                  JUDGE MORAN: Yes.

19                  BY MS. O'REILLY:

20           Q     Yes.

21           A     Yes, these are more teams messages.

22           Q     And do these appear to be records of

1 Teams messages like the messages that you sent and  
2 received while you were employed by American  
3 Tripoli?

4 A Yes.

5 Q And is it your understanding that only  
6 employees and owners of American Tripoli engaged  
7 in Teams messages at American Tripoli?

8 A Yes.

9 MS. O'REILLY: I'm going to move to  
10 admit Exhibit P13 into evidence.

11 MR. TIDABACK: No objection.

12 JUDGE MORAN: Harkening back to my  
13 remark earlier, hopefully, but it's up to you,  
14 there will only be some pages that you need for me  
15 to focus on with this witness and you'll identify  
16 those pages for me, and then in your post hearing  
17 brief you'll tell me why those pages are important  
18 in this proceeding.

19 MS. O'REILLY: Yes, Your Honor.

20 JUDGE MORAN: How many pages are you  
21 going to look at?

22 MS. O'REILLY: Multiple, but not all



1 four hundred. Not even a hundred.

2 JUDGE MORAN: Not even a hundred. Okay.

3 Go ahead.

4 BY MS. O'REILLY:

5 Q Please go to Page 55 of this document in  
6 P13.

7 A Okay.

8 Q Do you see a message from you to Russell  
9 Tidaback on February 14th at 12:39 p.m. towards  
10 the top of the page?

11 A Yes.

12 Q And it states, "MSHA inspector told me  
13 to lock the doors and no one was allowed in until  
14 he okayed it." Did I read that right?

15 A Yes.

16 Q What was this in reference to?

17 A This was the time that -- I can go -- I  
18 wasn't involved, but the time before this  
19 inspector had been there and written a bunch of  
20 warnings and citations that were supposed to be  
21 fixed, and showed back up and nothing had been  
22 done. And then I think he even gave us a few more

1 days and he showed back up, and this would be the  
2 day that nothing had been touched or fixed that he  
3 had written about, and said, no, all you guys are  
4 not allowed in the building until we get this  
5 figured out.

6 Q And that was in reference to MSHA's  
7 citations that had previously been issued that  
8 were not --

9 A Yes, ma'am.

10 Q And you were participating in this MSHA  
11 inspection on February 14th. Correct?

12 A Yeah. This one I was, yeah.

13 Q And if you go back to Page 54. At the  
14 bottom of the page there's another message from  
15 you on February 14th, at 1:13 p.m., and it states,  
16 "IDK. This guy is out for blood. We are removing  
17 product from the floor now." Did I read that  
18 correct?

19 A Yes.

20 Q What did you mean by this?

21 A Whenever he had came in, he expressed  
22 that he was very unhappy that nothing had been

1     done that we were supposed to be doing. I asked  
2     him, you know, hey, what do we need to be doing to  
3     make this right so you're not, you know, and he  
4     was talking about some product that was on the  
5     floor in front of an electrical box and then an  
6     oil dam that was underneath the tube mill.

7           Q     So at some point during this inspection  
8     you learned that there had been prior citations  
9     that had never been abated?

10          A     Yes. Yes. I thought, man, this guy is  
11     a -- not a very nice guy and then --

12                JUDGE MORAN: Meaning this guy meaning  
13     the MSHA inspector?

14                THE WITNESS: The MSHA inspector, yes.  
15     And then later he said, well, you know, I had  
16     asked him to get these citations. I had given him  
17     plenty of time to get this product off the floor  
18     and get the oil dam removed and some other stuff  
19     done, some guarding and stuff I believe it was.  
20     And that's when he informed me that he had been  
21     there and told them to do that, and I said, well,  
22     I wasn't aware of any citations that were written.

1 And he said, well, where do they post them? And I  
2 said, that's a good question. They weren't  
3 posted, and then that's when I learned that they  
4 were legally supposed to post all their violations  
5 for the employees to see and to -- so that then,  
6 this is kind of the initial of me really getting  
7 involved.

8 BY MS. O'REILLY:

9 Q So initially you were frustrated with  
10 the inspector?

11 A Oh, yeah. Yeah. I thought we're coming  
12 in here just to shut us down. They're being, you  
13 know, not nice.

14 Q And then later were you frustrated with  
15 American Tripoli because you found out about all  
16 these citations --

17 A Yeah.

18 Q -- that hadn't been fixed?

19 A Yes. I'm not sure, but I believe at  
20 that time there was 22 violations that needed to  
21 be fixed pretty quickly, and I didn't know  
22 anything about it. And I told him, I said, I feel

1 bad. I said, makes me look bad because nothing  
2 had been done.

3 Q But you had no knowledge to get anything  
4 done. You didn't know about those issues?

5 A I had no knowledge. That's when I  
6 learned they were supposed to post violations when  
7 they got them, and then yeah, nothing was ever  
8 said to us about getting any of the stuff done.

9 Q And a little further up on the same  
10 page, I think the third chat down there's a  
11 message from Russell Tidaback dated February 18th  
12 at 12:05 a.m. Do you see that?

13 A Yes.

14 Q And it says, "John Spears, Robert  
15 Baumann, I need to you two gentlemen over this  
16 weekend to think about what transpired with MSHA  
17 starting Monday. Make some notes initially on  
18 things you remember as next week I will need you  
19 to put the pieces together into a formal  
20 statement. What happened Monday should not have  
21 happened." Did I read that correct?

22 A Yes.

1           Q     Do you know what transpired with MSHA on  
2 Monday that this may be referring to? What did  
3 you understand this to be?

4           A     I believe it was all week. This is  
5 whenever, on the 14th inspection, and then they  
6 started -- because nothing had been done. That's  
7 when one of the things they said was shut the  
8 doors or whatever, and Russell said -- wanted to  
9 know why they came in and shut the doors. And he  
10 was asking me and John to think about, I really  
11 don't know, to plot against it. I really honestly  
12 didn't -- I didn't even think about it, to be  
13 honest with you. The inspector came in and the  
14 stuff wasn't fixed, he shut us down.

15          Q     Did anything other than the inspection  
16 occur on Monday, that you can think of?

17          A     Not that I knew.

18          Q     Did you prepare notes on this?

19          A     No.

20          Q     And why not?

21          A     I knew we were in the wrong.

22          Q     And by we, you mean American Tripoli?

1 A Yes.

2 Q Because American Tripoli had not fixed  
3 the citation?

4 A Yes.

5 Q And were you embarrassed by that?

6 A Yes.

7 Q I'm going to turn to Exhibit P26.

8 JUDGE MORAN: 26? 26?

9 MS. O'REILLY: Yes. Was P13 admitted?

10 (Complainant's Exhibit P-13 was  
11 marked for identification and  
12 received in evidence.)

13 JUDGE MORAN: One second. P13. Yes.  
14 Was -- it's about Pages 54 and 55. So are you  
15 now, on P26, sir?

16 THE WITNESS: Yes.

17 MS. O'REILLY: And I'll usurp that.  
18 We'll have a witness that can testify as to the  
19 authenticity and foundation of the exhibit, the  
20 inspections. I was just going to have him refer  
21 to a note here before we do that.

22 (Complainant's Exhibit P-26 was

1                   marked for identification and  
2                   received in evidence.)

3                   BY MS. O'REILLY:

4           Q       I think if you turn to Page 10 of P26.

5           A       Okay.

6           Q       And do you see a date at the top of  
7   March 1st, 2023?

8           A       Yes.

9           Q       Okay. And then could you turn to Page  
10   11.

11                  JUDGE MORAN: 11?

12                  MS. O'REILLY: Yes.

13                  BY MS. O'REILLY:

14           Q       And if you look at the bottom of Page  
15   11, there's some handwritten notes. They appear  
16   to say "Rob Baumann came into the office and said  
17   the feed elevator guard had fell off and come  
18   within 15 of hitting him on the ground. The guard  
19   fell off from at 40 feet." Do you see that?

20           A       Yes.

21           Q       Do you recall what this is -- this event  
22   is talking about?



1           A     Yes. I was making my rounds, looking  
2     at, inspecting the stuff, and the guard, I believe  
3     it -- it originated a shaft broke on top of the  
4     flour elevator, and it broke the guard off and it  
5     came and landed down by me.

6           Q     Okay. It did not hit you?

7           A     No.

8           Q     Was it close to hitting you?

9           A     Yes.

10          Q     And do you recall, do you recall who you  
11     reported that issue to?

12          A     Yes.

13          Q     Who?

14          A     Russell Tidaback. He was in -- in with  
15     MSHA inspectors at the time.

16          Q     So you reported it to both of them?

17          A     Yes.

18          Q     How did Mr. Tidaback react?

19          A     He blew it off. Ignored it.

20                 JUDGE MORAN: What do you base that on?

21                 THE WITNESS: I would have expected him  
22     to jump right up and make sure I was okay and

1 stuff like that, and he did not. Wanted to know  
2 what had happened, what broke, and eventually came  
3 out to see what the problem was.

4 MS. O'REILLY: Are you done with that?

5 JUDGE MORAN: Well, no, actually I was  
6 going to ask you about, I take it that P26 are  
7 MSHA inspectors notes?

8 MS. O'REILLY: Yes, Your Honor.

9 JUDGE MORAN: Okay. And absent Mr.  
10 Tidaback stipulating to their admission, you're  
11 going to wait to admit this through another  
12 witness who can identify these pages?

13 MS. O'REILLY: Correct.

14 JUDGE MORAN: And do you stipulate, you  
15 don't have to, I'm just asking if you're going to  
16 stipulate to P26?

17 MR. TIDABACK: I do not, Your Honor.

18 JUDGE MORAN: You do not. Okay. I just  
19 wanted to note that so we're clear. Okay. Go  
20 ahead.

21 BY MS. O'REILLY:

22 Q And what -- you mentioned a guard fell

1 down. Do you know what that issue was, what  
2 happened there?

3 A I honestly don't remember fully. I  
4 think that a shaft actually broke and it broke the  
5 bolts off the -- off the guard itself and popped  
6 it up, popped it way up in the air and it fell  
7 off, landed by me.

8 Q Do you know if that guard had been  
9 having any issues prior to this incident?

10 A Yes. We had been hearing noises from  
11 the elevator themselves.

12 Q Did you ever raise concern about those  
13 noises?

14 A Yes.

15 Q To who?

16 A John Spears.

17 Q And that was prior to this incident?

18 A Yes.

19 Q And did John Spears say anything when  
20 you raised that issue?

21 A That we would look at it at our next  
22 maintenance day.

1 Q Did it get looked at the next  
2 maintenance day?

3 A No.

4 Q After you started participating in MSHA  
5 inspections in February, were you more aware of  
6 the safety issues around the mine?

7 A Yes.

8 Q Is that because you spoke to MSHA about  
9 MSHA standards?

10 A Yes.

11 Q In turn, did this start make -- make you  
12 start raising more safety issues to management at  
13 American Tripoli?

14 A Yes.

15 Q And why did you do that?

16 A Most of it was actually just to get us  
17 in compliance so we could run through MSHA.

18 Q Were you also concerned about safety?

19 A Oh, yes.

20 Q Before your MSHA inspection, before  
21 participating in MSHA inspections did you know how  
22 dangerous silica dust was?

1           A     I knew it was dangerous, but not to the  
2     extent of what I learned.

3           Q     Did you start raising dust issues to  
4     management?

5           A     Yes.

6           Q     Did you do that frequently?

7           A     Yes.

8           Q     And who would you raise those issues to?

9           A     John Spears.

10          Q     And about how many times would you say  
11     you raised dust issues to John Spears in your  
12     employment?

13          A     My total employment or just that one  
14     time?

15          Q     Let's say your total employment.

16          A     Between inside and outside, at least 15  
17     or 20.

18          Q     And outside, are you referring to the  
19     issues with the sheriff about the --

20          A     Yes.

21          Q     -- dust going out into the community?

22          A     Yes.

1           Q     Not just talking about dust issues, but  
2     any safety issues, how many times would you say  
3     you raised safety concerns to Mr. Spears in the  
4     two months before your termination?

5           COURT REPORTER: I think it froze again.  
6     I'm not seeing any response or movement. If you  
7     answered, I didn't get any of the answer.

8           JUDGE MORAN: Thank you for  
9     interjecting. So she did not -- you'll have to  
10    repeat your answer.

11          A     Okay. At least ten times.

12          JUDGE MORAN: Are we having problems  
13    still?

14          THE VIDEOGRAPHER: No, I think we're  
15    good.

16          THE WITNESS: Are we, Court Reporter?

17          COURT REPORTER: No, I think we're fine.  
18    No, actually it looks like he froze again. Oh,  
19    he's moving. I can see him moving.

20          THE WITNESS: Are we good now?

21          COURT REPORTER: We're good now.  
22

1 BY MS. O'REILLY:

2 Q Okay. When you mentioned you raised  
3 complaints to Mr. Spears, did you raise those in  
4 person?

5 A Yes. Most of them.

6 Q Did you sometimes raise them in Teams?

7 A Yes.

8 JUDGE MORAN: So I take it, tell me if  
9 I'm correct about this, because of Teams, am I  
10 correct that you wouldn't or did not issue a piece  
11 of paper, write something down and hand it to Mr.  
12 Spears or Seers?

13 MR. O'REILLY: Yeah, Spears.

14 JUDGE MORAN: Spear. You didn't hand  
15 him a piece of paper. If you communicated with  
16 him, was either in person or through Microsoft  
17 Teams. Is that fair?

18 THE WITNESS: That is fair.

19 JUDGE MORAN: So you didn't have any  
20 protocol where you give him a piece of paper and  
21 write out guard fell from 40 feet. You didn't do  
22 that?

1 THE WITNESS: No.

2 JUDGE MORAN: Okay. Go ahead.

3 BY MS. O'REILLY:

4 Q Did you ever raise any safety concerns  
5 to Mr. Tidaback?

6 A There was maybe a few discussions on  
7 Teams, especially about the guys were stacking ten  
8 high on a hundred pound bags, and I think maybe he  
9 got involved in on some of that on Teams maybe.

10 Q And you were raising concerns about  
11 stacking bags too high?

12 A Yes.

13 Q What was your concern with that?

14 A The guys that came to me after we  
15 started, because we had only been going five high  
16 and there were some orders for ten high and the  
17 guys were concerned about their safety lifting  
18 hundred pound bags that high. So I brought it up  
19 to John Spears and he said, well, you know, that's  
20 just what the order calls for. We got to do what  
21 we gotta do. So we had had an MSHA inspection  
22 during that time. Sometime -- we had them all the



1 time at that time, but anyway, I brought it -- I  
2 asked the MSHA inspector what his opinion was on  
3 asking the guys to stack a hundred pound bags ten  
4 high was, and he said it's totally fine if there  
5 is a safe way to do it.

6 Q And how heavy were those bags?

7 A A hundred pounds.

8 Q And if you had to stack them ten high,  
9 about how high would that stack be?

10 A Approximately six foot.

11 Q And how tall are you?

12 A Six foot.

13 Q So you'd have to raise it over your  
14 head?

15 A Yes.

16 Q And did that safety -- did that issue  
17 get resolved while you were still employed with  
18 American Tripoli?

19 A We just started going five high and  
20 double stacking while I was there, because I told  
21 them that I wasn't going to make the guys do ten  
22 high because they couldn't -- they didn't have

1 anything to lower -- to do it to where they could  
2 do it safely.

3 Q Were you ever told that -- were you ever  
4 told from anyone in American Tripoli management  
5 that they were not going to fix safety issues you  
6 raised?

7 A Yes.

8 Q Can you give an example?

9 A The oil -- there was a dam underneath  
10 the tube mill that was made of material, tripoli,  
11 and we oiled the tube mill, just pouring it down  
12 in a tube to where it would get on the gears. So  
13 the oil ran down and it dammed up underneath the  
14 tube mill. And MSHA had -- and I would have never  
15 thought about it, but MSHA wrote a citation on it  
16 saying it was a fire hazard, the oil being dammed  
17 up. There was no way of removing it, or not  
18 cleaning it up, you know. And I multiple times  
19 tried to clean the oil and get the dam and was  
20 told we're not doing that.

21 Q And with that, did that occur at some  
22 point after the 2023 inspection you participated

1 in?

2 A Yes.

3 Q Sometime in the last few months of your  
4 employment?

5 A Yes. And then there was product on the  
6 floor in front of an electrical thing, so I had  
7 started sweeping. We had started sweeping and  
8 cleaning it up and got told we're not doing that.  
9 We're going to reuse it. We're going to put it  
10 back in. I said, well, the MSHA inspector said  
11 that it needed to be -- needed to be not where it  
12 is because it's covering that entranceway to an  
13 electrical box.

14 Q And when did you raise that issue? Do  
15 you recall?

16 A Within -- within two months of getting  
17 fired.

18 Q Let's go back to Exhibit P13. And I'll  
19 have you turn to Page 31. That will be Volume 1.

20 JUDGE MORAN: Okay. P13. What page?

21 MS. O'REILLY: 31.

22

1 BY MS. O'REILLY:

2 Q At the bottom of Page 31 do you see a  
3 message from yourself, Robert Baumann, on March  
4 15th at 5:07 p.m.?

5 A Yes.

6 Q And looks like you sent this message in  
7 the mill group chat. Do you see that?

8 A Yes.

9 Q Does that mean this message would have  
10 gone to all the employees in the mill group chat?

11 A To everyone, yes.

12 Q And when you say everyone, was everyone  
13 part of the mill group chat?

14 A Yes.

15 Q All the mill employees?

16 A All the mill employees and everyone,  
17 yes.

18 Q Was Mr. Tidaback part of the mill group  
19 chat?

20 A Yes.

21 Q Was Mr. Spears?

22 A Yes.

1           Q     And this message reads -- looks like  
2     there's a captured photo that didn't come through.  
3     Right?

4           A     Yes.

5           Q     And then it reads, "Sweeping up by  
6     palletizer and we have live wires coming through  
7     the floor. Sparked through the broom, shutting  
8     this area off." Did I read that correct?

9           A     Yes, you did.

10          Q     And then toward the top of the page you  
11     say, at 5:35 p.m., again in the mill group chat,  
12     "John Spears, I wonder how long it's been like  
13     that. I will cut power to the whole building in  
14     the morning and solve the issue. I'm just  
15     thankful no one stepped on it."

16          A     Yes.

17          Q     Do you see that?

18          A     Yes.

19          Q     Were you concerned somebody was going to  
20     get hurt with this issue?

21          A     Well, yes.

22          Q     Is that why you wanted to cut the power?

1           A       Yes.

2           Q       Why did you want to cut power to the  
3 whole building?

4           A       Because none of the breakers were  
5 labeled, so we didn't know what was energizing  
6 that wire. You couldn't tell where it was going  
7 into what.

8           Q       So the only way to be sure that you'd  
9 shut down the right breaker would be to shut down  
10 the whole building?

11          A       Yes.

12          Q       Then if you go to Page 30.

13                 JUDGE MORAN: Before you go to Page 30,  
14 though, let me just ask a question. Do you  
15 remember on Page 31, you just read on the entry  
16 for 5:07 p.m. You see that one? It's almost at  
17 the very bottom.

18                 THE WITNESS: Yes.

19                 JUDGE MORAN: Okay. Am I correct it  
20 reads, "And we have live wires coming through the  
21 floor, sparked through the broom."

22                 THE WITNESS: Yes.

1 JUDGE MORAN: What does that mean,  
2 sparked through the broom? What are you talking  
3 about?

4 THE WITNESS: The mine associate was  
5 sweeping the product, the tripoli, because it's  
6 like a powder, but it's also a conductor. And  
7 went across -- there was a wire that had been, for  
8 I don't know how many years. It had probably been  
9 there for years and he just hit it just right with  
10 that broom and it -- and it burnt up through the  
11 broom and sparked. So we kind of, you know,  
12 brushed the stuff away from it, and you can see  
13 the wire that had been cut off totally even with  
14 the wooden floor.

15 JUDGE MORAN: Okay. Thank you. Now  
16 what page did you want to go to?

17 MS. O'REILLY: Page 30. Just the page  
18 before.

19 THE WITNESS: Yes.

20 BY MS. O'REILLY:

21 Q And this message is at -- is from  
22 Russell Tidaback. Correct? The second message on

1 this page.

2 A Yes.

3 Q And it says March 16th at 6:24 a.m.?

4 A Yes.

5 Q And it says, "Robert Baumann. Robert  
6 Baumann, we don't need to shut the building down.  
7 Tape off the area so no one can step on it or near  
8 it." Did I read that correct?

9 A Yes.

10 Q What did you end up doing with the live  
11 wire that you found?

12 A I put caution tape around a pretty good  
13 area around it, and brought it -- brought it up.  
14 I don't know. It took about two weeks finally and  
15 then we got a maintenance partner that was smart  
16 on electricity. He was able to isolate where the  
17 power that was going to it, so he shut it off and  
18 we removed it."

19 Q And I guess just to clarify, did you  
20 understand this to be the response from Mr.  
21 Russell Tidaback to the issue about the live wire  
22 you raised on Page 31?



1 A Yes.

2 JUDGE MORAN: That's helpful.

3 BY MS. O'REILLY:

4 Q And so you ended up following this  
5 advice and just taping off the area rather than  
6 shutting down the plant like you wanted to?

7 A Yes.

8 Q Did you feel like keeping the power  
9 going to these live wires was a safe solution to  
10 this problem?

11 A No.

12 Q Is this typical of the type of responses  
13 you would get to raising safety issues at the  
14 mine?

15 A Yes.

16 Q Were you often just told to do something  
17 in response to a safety concern that did not  
18 actually fix the issue at hand?

19 A Yes.

20 Q And you mentioned this live wire stuck  
21 around like this for about two weeks?

22 A Yes.

1 Q And this was on March 15th and 16th of  
2 2023 when this was first kind of addressed.

3 Correct?

4 A Yes.

5 Q About a month before you were  
6 terminated?

7 A Yeah.

8 Q Did you ever raise other electrical  
9 concerns to Mr. Spears or Mr. Tidaback?

10 A Yes.

11 Q When did you raise those?

12 A Off and on throughout, but mostly the  
13 past two months prior up to the time of me getting  
14 terminated.

15 Q About how many electrical issues did you  
16 raise, do you think did you raise?

17 A At least four or five, six. I mean,  
18 there was just so many different instances with  
19 stuff it's hard to.

20 Q And how did they respond when you raised  
21 those electrical safety issues?

22 A Usually just ignored it.

1           Q     They usually ignore a lot of your safety  
2 concerns that you raised?

3           A     Yes.

4           Q     And when you say ignored it, did they  
5 just not respond or what do you mean?

6           A     They just wouldn't respond.

7           JUDGE MORAN: So I will interject again.  
8 When you said that there were like four or so  
9 other occasions.

10          THE WITNESS: Yeah.

11          JUDGE MORAN: Do you happen to recall  
12 the specifics of any of those four?

13          THE WITNESS: There was one really  
14 specific one. So the bagger, it bags. It shoots  
15 product into a hundred pound bags. They had had  
16 multiple problems. It started giving them  
17 problems, and Mr. Tidaback and Mr. Spears were  
18 telling the gentlemen, the mill associates to run  
19 it. The electrical box was open with a jump wire  
20 across it, and they were telling them to run it  
21 like that, running a little toggle manual switch.  
22 And I brought that up multiple times to both of

1     them.

2                   JUDGE MORAN:   And do you remember what  
3     -- did they respond to you, or did they -- when  
4     you brought that up to their attention, what, if  
5     anything, did they say to you about that specific  
6     issue?

7                   THE WITNESS:   That specific issue was  
8     that they were trying -- they were -- naturally,  
9     they were working on the bagger, and John just  
10    told me to put caution tape around it, but they  
11    were still, the mill workers were still told to  
12    break that barrier to go in there to try and run  
13    the product.

14                  JUDGE MORAN:   And do I understand your  
15    testimony correctly that the temporary solution  
16    was to toggle the switch on and off?

17                  THE WITNESS:   Yes.   There was -- it's  
18    kind of hard to explain, but the bag clicks on and  
19    it was running this perimeter switch that would  
20    tell the product to go into the bag, and yeah,  
21    they would -- they would just put the bag on  
22    there, and there was a switch that you could

1     override, put there and then you had to watch the  
2     scale, and they were trying to get bags out that  
3     way.

4             JUDGE MORAN:   Okay.   Thank you.   Go  
5     ahead, Attorney O'Reilly.

6             BY MS. O'REILLY:

7             Q     I'm going to turn to Exhibit P2.

8             JUDGE MORAN:   How's my court reporter  
9     doing?

10            COURT REPORTER:   Just fine.

11            JUDGE MORAN:   Thank you.

12            BY MS. O'REILLY:

13            Q     Do you have the document P2?   Sorry.

14            A     Yes.   I'm there.

15            Q     Do you know what this document is?

16            A     The discrimination complaint.

17            Q     P2?

18            JUDGE MORAN:   You have to guess again.  
19     On the top of the page there's a hint.

20            A     Okay, yeah.   Reset Form.

21            JUDGE MORAN:   Well, it wasn't that.

22            THE WITNESS:   This is the paper where I

1 was elected to be the miners rep.

2 BY MS. O'REILLY:

3 Q And is this the Miners Representative  
4 Form you filled out?

5 A Yes.

6 Q At the bottom, is that your signature?

7 A Yes.

8 Q And there's a date, 3-21-2023?

9 A Yes.

10 Q Is that the date you filled out this  
11 form?

12 A Yes.

13 Q Is that also the date you signed it?

14 A Yes.

15 Q Do you see where, in Item 2 towards the  
16 top, it's marked confidential?

17 A Yes.

18 Q And do you know why that was marked?

19 A To keep -- because the miners didn't  
20 want John or Russell knowing who they -- that they  
21 had proposed for me to be the miners rep.

22 Q And did they ever tell you why they

1 wanted it to be confidential?

2 A They didn't want to get fired.

3 Q And I will represent that due to this  
4 confidential marking the Secretary's attorneys  
5 redacted the name so that is going to look  
6 different when I ask you this question, but other  
7 than the redaction, is this a true and accurate  
8 copy of your Miners Representative Form?

9 A Yes.

10 MS. O'REILLY: I move to admit Exhibit  
11 P2.

12 JUDGE MORAN: Any objection?

13 MR. TIDABACK: No. I have to say no.

14 JUDGE MORAN: Okay. Exhibit P2 is  
15 admitted.

16 (Complainant's Exhibit P-2 was  
17 marked for identification and  
18 received in evidence.)

19 BY MS. O'REILLY:

20 Q What did you do with this form after it  
21 was filled out?

22 A I gave it to the MSHA inspector.

1 Q And do you know if that would have been  
2 on March 21st, 2023 when you did that?

3 A Yes.

4 Q And which MSHA inspector did you give it  
5 to?

6 A Keith Markeson.

7 Q Do you know what happened after this  
8 form was given to Mr. Markeson?

9 A I believe he was going to make a copy  
10 and give it to John, and then, you know, get  
11 everything filed for me, and then I kept a copy.

12 Q Did you ever tell Mr. Spears that you  
13 were elected a miners representative?

14 A No.

15 Q Do you know if MSHA ever told Mr. Spears  
16 that?

17 A Yes.

18 Q After March 21st, 2023, did you start  
19 participating in MSHA inspections as a miners  
20 representative?

21 A Yes.

22 Q Prior to March 21st, 2023 you



1 participated in MSHA inspections, just not as an  
2 official miners representative?

3 A Yes.

4 Q Did your participation in MSHA  
5 inspections change after you became a miners  
6 representative?

7 A Yes. Naturally, because I was looking  
8 for more -- looking to better the miners there.

9 Q And why did you become a -- why did you  
10 become a miners representative?

11 A To make sure that I knew that what all  
12 the violations that they were getting and stuff  
13 was and what was being done about them.

14 Q Were you concerned about miner safety in  
15 becoming the miners representative?

16 A Yes.

17 Q Were you hoping through this position  
18 you could help advance miner safety at the mine?

19 A Yes.

20 Q And you became this miners  
21 representative about three weeks before you were  
22 terminated. Is that correct?

1           A       Yes.

2           Q       And after becoming a miners  
3 representative you participated in still multiple  
4 other MSHA inspections before your termination?

5           A       Yes.

6                   MS. O'REILLY: Your Honor, I know out  
7 mentioned a 12:30 break. The next part I'm going  
8 to get into is a little bit longer. It's several  
9 pages. I didn't know if you wanted stop now or  
10 you want me to continue.

11                  JUDGE MORAN: I think that is wise.  
12 This is a good time to stop. We did start a  
13 little after 9:00, so it's been productive,  
14 especially given the more complex arrangement we  
15 have for recording this. So court reporter, can  
16 you hear me, I hope?

17                  COURT REPORTER: Yes, I can.

18                  JUDGE MORAN: We're going to take a  
19 pause. This is Judge Moran speaking, obviously.  
20 It's 12:26 Central Time. We'll begin at 1:25  
21 Central Time. Will you be available for us, we  
22 hope?

1 COURT REPORTER: Yes.

2 JUDGE MORAN: Thank you for your  
3 assistance up to now. Okay?

4 COURT REPORTER: Thank you.

5 JUDGE MORAN: We'll see you in a little  
6 less than an hour. Yes?

7 COURT REPORTER: Yes. Thank you.

8 JUDGE MORAN: Okay. We're off the  
9 record now.

10 MS. O'REILLY: And just to clarify, Mr.  
11 Baumann, we'll still be continuing your testimony  
12 after just so you know to come back.

13 JUDGE MORAN: Let's be careful. To the  
14 point of being rude, I don't want to see you  
15 talking with anyone and I don't want Mr. Tidaback  
16 to tell me he saw you speaking with someone.  
17 Okay?

18 THE WITNESS: I honestly thought that it  
19 was okay as long as it wasn't about the case.

20 JUDGE MORAN: Now you know it's broader  
21 than that. It's like you've never met him before,  
22 or don't want to.

1 THE WITNESS: I honestly didn't --  
2 honestly didn't know or even think about it, Your  
3 Honor.

4 JUDGE MORAN: See you all in 55 minutes.

5 (Recess)

6 JUDGE MORAN: All right. We're back on  
7 the record. I'll turn it back over to Attorney  
8 O'Reilly.

9 BY MS. O'REILLY:

10 Q Mr. Baumann, I'll have you turn to  
11 Exhibit P13.

12 JUDGE MORAN: P what?

13 MS. O'REILLY: 13.

14 BY MS. O'REILLY:

15 Q I'll have you turn to Page 27.

16 JUDGE MORAN: What number again?

17 MS. O'REILLY: 27.

18 BY MS. O'REILLY:

19 Q And do you see a message from yourself,  
20 from Robert Baumann on March 21st at the top of  
21 that page?

22 A Yes.

1           Q     Just to clarify, March 21st would be  
2     March 21, 2023.   Correct?

3           A     Yes.

4           Q     And it looks like the message was sent  
5     in the mill group text?

6           A     Yes.

7           Q     And you testified earlier that would  
8     have included Mr. Tidaback and Mr. Spears?

9           A     Yes.

10          Q     And this message said, "Okay.   So MSHA  
11     seen the ten stacking and said absolutely no.   So  
12     we will move to next order continuing five high.  
13     Unless Russell Tidaback had a better option.   They  
14     started without a platform -- they stated without  
15     a platform nothing over waist high"?

16          A     Yes.

17          Q     Did I read that correctly?

18          A     Yes.

19          Q     And I believe we talked about this  
20     earlier.   Is this the stacking issue that you had  
21     been raising?

22          A     Yes.

1 Q And was this the only time you raised  
2 that issue?

3 A No.

4 Q Looks like this is also something you  
5 talked with them -- about with them?

6 A Yes.

7 Q Did anyone ever get hurt stacking bags?

8 A I had filled out one incident report.

9 Q And when did you do that?

10 A I don't remember the exact date, but  
11 there should be a paper on it, and I believe it  
12 was -- it would have been around the time that we  
13 started on the hundred -- or the ten high  
14 stacking.

15 Q About when did you start on that ten  
16 high stacking?

17 A It would have been probably about a week  
18 prior to this, pretty close to it, or right around  
19 the 3-20 mark.

20 Q Okay. And then can you next turn to  
21 Page 314 of P13.

22 A Okay.

1           Q     And in the middle of the page do you see  
2     a message from Mr. Tidaback dated March 24th, from  
3     5:42 p.m.?

4           A     Yes.

5           Q     And I'm going to read it. It states,  
6     "Did all the mill associates get their 40 hours  
7     this week. If not, John Spears, maybe they will  
8     want to come in and work some hours over the  
9     weekend to get these repaired. We don't want to  
10    use production schedule time to do maintenance."  
11    Did I read that correct?

12          A     Yes.

13          Q     What did you understand this to mean?

14          A     That if they -- if the associates did  
15    not get their 40 hours in that week, that they  
16    were going to be asked or told to come in that  
17    Saturday to work on maintenance stuff.

18          Q     And then what did you understand the  
19    statement about not wanting to use production time  
20    to do maintenance?

21          A     That we weren't to shut down from  
22    producing to fix things.

1 Q And had you heard statements like this  
2 before?

3 A Multiple times.

4 Q I'm going to Exhibit P21.

5 A Okay.

6 Q And we've been talking about the time  
7 period after February 13th, 2023 when you first  
8 started walking around with MSHA during the  
9 inspection. Right?

10 A Yes.

11 Q And it looks like, on March 28th, 2023,  
12 another inspection MSHA inspection started. Is  
13 that correct?

14 A That's correct.

15 Q And that one lasted until April 10th of  
16 2023?

17 A Yes.

18 Q And did you participate in that  
19 inspection as well?

20 A Yes.

21 Q At that time you would have been a  
22 miners rep participating. Correct?



1           A       Yes.

2                   JUDGE MORAN:   And again, you're on P21.

3   Right?

4           MS. O'REILLY:   Yes.

5           JUDGE MORAN:   Okay.

6           BY MS. O'REILLY:

7           Q       And I'm going to have you turn the page  
8   to Exhibit P12.   Do you know what this document  
9   is?

10          A       Yes.

11          Q       And you understand this to be discovery  
12   that American Tripoli produced in litigation in  
13   this case?

14          A       Yes.

15          Q       And does this appear to be a true and  
16   accurate copy of the discovery American Tripoli  
17   submitted in this case?

18          A       Yes.

19                 MS. O'REILLY:   I would move to admit  
20   Exhibit P12.

21                 JUDGE MORAN:   I'm a little behind you  
22   here.   You're asking him to identify the

1 Respondent's Third Interrogatories Answers and  
2 Responses for Production of Documents?

3 MS. O'REILLY: Yes.

4 JUDGE MORAN: Okay. All right.  
5 Continue. Do you move to admit?

6 MS. O'REILLY: Yes. I'd like to move to  
7 admit this exhibit, P12.

8 JUDGE MORAN: Tell me a little bit more.  
9 I want to make sure I understand what I'm looking  
10 at here. This is not just your request. It's  
11 what was produced?

12 MS. O'REILLY: Well, the way -- this is  
13 the way it was produced to us, this one document,  
14 so this is the response and then there are also  
15 Teams messages attached to it, but they were  
16 produced as a document.

17 JUDGE MORAN: Okay. And, Mr. Tidaback,  
18 I assume you've seen this. You have this document  
19 in front of you as well?

20 MR. TIDABACK: Yes, sir.

21 JUDGE MORAN: So it does reflect what  
22 you submitted to the Secretary?

1 MR. TIDABACK: It appears so, yes. Your  
2 Honor.

3 JUDGE MORAN: So you have no objection  
4 to this. Is that right?

5 MR. TIDABACK: No objection.

6 JUDGE MORAN: Okay. P12 is admitted.

7 (Complainant's Exhibit P-12 was  
8 marked for identification and  
9 received in evidence.)

10 BY MS. O'REILLY:

11 Q And looks like at the beginning of this  
12 document there's been discovery responses, and  
13 then starting on Page 9 do you see some more Teams  
14 messages?

15 A Yes.

16 Q And do these look like copies of Teams  
17 chat messages like the ones you sent and received  
18 while working at American Tripoli?

19 A Yes.

20 Q And I'm going to have you to turn to  
21 Page 18.

22 A Okay.

1           Q     And the second message, second Teams  
2     message on Page 18, do you see that it says it's  
3     from you?

4           A     Yes.

5           Q     And who do you understand that you to  
6     be?

7           A     Russell's face by it, so it would be  
8     Russell.

9           Q     And you mean Mr. Tidaback?

10          A     Yes.

11          Q     And it says -- it looks like it's a  
12     message to the ATMO safety. Do you see that?

13          A     Yes.

14          Q     Were you part of that group?

15          A     I don't remember -- see, I should have  
16     been.

17          Q     Okay. As of March 31st, the date of the  
18     message?

19          A     Yes.

20                 JUDGE MORAN: Can you have him identify  
21     if he knows what ATMO stands for?

22

1 BY MS. O'REILLY:

2 Q Yeah. What does ATMO safety stand for?

3 A American Tripoli --

4 JUDGE MORAN: Safety what?

5 THE WITNESS: Yeah. I mean, safety  
6 group.

7 JUDGE MORAN: Okay. Thank you.

8 BY MS. O'REILLY:

9 Q And so would this have contained  
10 yourself and then Mr. Tidaback and Mr. Spears?

11 A Mr. Molesi.

12 Q Because he was the safety employee?

13 A Yes.

14 Q And this message dated March 31st, "I  
15 will stress with you -- any MSHA inspector is not  
16 your friend. Anything you say to or in their  
17 presence can," in all caps, "and will be used  
18 against you in court of law. Hopefully this will  
19 never be needed, but just be well aware."

20 A Yes.

21 Q I read that correctly?

22 A Yes, you did.

1 JUDGE MORAN: So let me just -- so I can  
2 appreciate this remark. You understand this, Mr.  
3 Baumann, as being a response from Mr. Tidaback to  
4 the safety group?

5 THE WITNESS: Yes.

6 JUDGE MORAN: And again, tell me who's  
7 in the safety group. Are you? The safety group  
8 at this point in time on March 31st.

9 THE WITNESS: Yes.

10 JUDGE MORAN: Who else was in the safety  
11 group, if you know?

12 THE WITNESS: To my knowledge, it would  
13 have been Russell, Jordan, John, myself and Jesse,  
14 the safety director at that time.

15 JUDGE MORAN: Okay. Jesse it sounds  
16 like in the next line, Jesse Molesi?

17 THE WITNESS: Yes.

18 JUDGE MORAN: Okay. Go ahead, Attorney  
19 O'Reilly.

20 BY MS. O'REILLY:

21 Q It looks like this message would have  
22 been sent during the time period of an MSHA

1 inspection that we just talked about?

2 A Yes.

3 Q And was this the first time that Mr.  
4 Tidaback had made comments like this for you?

5 A No.

6 Q And what did you take this comment to  
7 mean?

8 A As a warning not to speak MSHA  
9 inspectors.

10 Q And what did you understand used against  
11 you in a court of law to mean?

12 A Like MSHA was coming after us as  
13 employees.

14 Q And were you ever told that MSHA would  
15 give citations to miners while you worked at  
16 American Tripoli?

17 A Yes.

18 Q Who told you that?

19 A Management.

20 JUDGE MORAN: That's kind of vague.

21 THE WITNESS: Yeah, I mean --

22 JUDGE MORAN: Do you remember who told

1     you something like that?

2                   THE WITNESS:   Actually, I did directly  
3     hear it from Russell Tidaback.

4                   JUDGE MORAN:   Saying what?

5                   THE WITNESS:   That MSHA can issue  
6     individual citations to an individual that works  
7     at the mine.

8                   MR. TIDABACK:   Your Honor.

9                   JUDGE MORAN:   Do you have an objection?

10                  MR. TIDABACK:   He just said he didn't  
11     know and now he now is stating that he does know,  
12     so that would be speculation.

13                  JUDGE MORAN:   Okay.   Well, and I have a  
14     different take on that.   I thought just listening  
15     to him that at first you're right, he said he  
16     didn't know, but people do sometimes pause and  
17     think and then you then amplified or corrected  
18     your answer.   Is that true?

19                  THE WITNESS:   Yes, Your Honor.

20                  JUDGE MORAN:   But you can -- that's  
21     still a ground for cross-examination.   You know,  
22     it's classic cross-examination often in the



1 situation where a person says in a deposition,  
2 then in the courtroom they say something else and  
3 they say didn't you say on this time this and now  
4 you're saying this, and that's to show  
5 inconsistency and lack of credibility on that  
6 point. That's the purpose. That's fine. I  
7 accept and I'm glad to explain things to you. At  
8 least that's my take. But that doesn't stop you  
9 from, if you think it's worthwhile, I can't make  
10 that judgment, to pursue when you have the  
11 opportunity to cross-examine Mr. Baumann. Okay.

12 Court reporter, did not hear this? Go  
13 ahead, again, Attorney O'Reilly.

14 BY MS. O'REILLY:

15 Q I'll have you turn to Page 19 of Exhibit  
16 P12. And I'll direct your attention to the second  
17 message from you, and again, who do you understand  
18 you to be?

19 A Mr. Tidaback.

20 Q And then at the top it says Jim Huber.  
21 Do you understand that that would a message to Jim  
22 Huber?

1 A Yes.

2 Q And who is Jim Huber?

3 A He was a mill associate.

4 Q He was an American of American Tripoli?

5 A Yes.

6 Q And this is dated March 28th. Do you  
7 see that?

8 A Yes.

9 Q And it states "Jim Huber, I get along  
10 with them great. Remember... MSHA inspectors are  
11 not your friends. They can and will us anything  
12 and everything against you in a court of law."  
13 Did I read that correct?

14 A Yes, you did.

15 Q Is this similar to the other  
16 communications you have received from Mr.  
17 Tidaback?

18 A Yes.

19 Q Were you concerned that miners would be  
20 afraid of talking to MSHA because of statements  
21 like these?

22 A Yes.

1 Q Were you concerned you could be  
2 retaliated against if you spoke to MSHA?

3 A Yes.

4 Q And was that because of messages like  
5 this?

6 A Yes.

7 Q I'm going to direct your attention back  
8 to Exhibit P13 and send you to Page 220.

9 JUDGE MORAN: Have him turn where again,  
10 please?

11 MS. O'REILLY: 220.

12 JUDGE MORAN: Thank you.

13 BY MS. O'REILLY:

14 Q And I'll direct your attention to a  
15 message from John Spears in the middle of the page  
16 on April 4th at 8:15 a.m. Do you see that?

17 A Yes.

18 Q It says it's to the mill group chat, and  
19 again, is that with all the mill associates?

20 A Yes. All employees.

21 Q And this statement says, "Everyone done  
22 very well yesterday. Let's keep this going." Do

1     you see that?

2             A       Yes.

3             Q       And that was sent on April 4th, 2023?

4             A       Yes.

5             Q       And then I'm going to have you go back  
6     to Exhibit P21.

7             A       Okay.

8             Q       And we've been talking about two MSHA  
9     inspections that happened the last two months of  
10    your employment, and it looks like they were the  
11    third MSHA inspection that started on April 11th,  
12    2023. Is that correct?

13            A       Yes. That's correct.

14            Q       And did you also participate in that  
15    MSHA inspection?

16            A       Yes.

17            Q       And that was open just six days before  
18    your termination?

19            A       Yes.

20            Q       And this MSHA inspection where the  
21    104(b) stop issue was issued?

22            A       Yes.

1 JUDGE MORAN: You are on the one page  
2 exhibit of P21?

3 MS. O'REILLY: Yes.

4 JUDGE MORAN: Okay.

5 BY MS. O'REILLY:

6 Q Did Mr. Spears know that you were  
7 involved in this inspection that led to the mine  
8 being shut down?

9 A Yes.

10 Q And how do you know that?

11 A We had discussed it. He seen me with  
12 the inspectors.

13 Q May I have you turn to Exhibit P31 which  
14 is in Volume 2. Do you know what this document is  
15 showing?

16 A It's a screen shot.

17 Q And do you see the word Rob at the top?

18 A Yes.

19 Q Do you know who Rob is referring to?

20 A That would be me.

21 Q Do you know whose phone this is?

22 A This appears to be John Spears' phone.

1           Q     And does it looks like the message is in  
2     the gray, would those have been a message you sent  
3     to Mr. Spears?

4           A     Yes.

5           Q     And then do you recall sending this  
6     message?

7           A     Yes.

8           Q     And it looks like you're talking about  
9     in this message that -- about you can go into the  
10    building, just no electric. And then at the end  
11    it says, "I can check and work at least getting  
12    that ready Friday if he would at least like that  
13    done since he has to pay us anyway." Do you see  
14    that?

15          A     Yes.

16          Q     Do you know what that was in reference  
17    to, saying he has to pay us anyway?

18          A     That was because of the shutdown, and I  
19    found out that they were obligated to pay us for  
20    so many hours.

21          Q     And were you asserting that to Mr.  
22    Spears in this message?

1           A       Yes.

2           Q       It looks like this message took place on  
3 April 12th. Is that correct? Do you see that?

4           A       That's correct.

5           Q       And is this a true and accurate copy of  
6 a text message you send to John Spears on April  
7 12th, 2023?

8           A       Yes.

9                   MS. O'REILLY: I move to admit Exhibit  
10 P31 into evidence, and I will also note this is  
11 produced in discovery by Respondent.

12                  JUDGE MORAN: You said it was submitted  
13 by Respondent in discovery? P31. Any objection?

14                  MR. TIDABACK: No.

15                  JUDGE MORAN: Okay. It's admitted.

16                               (Complainant's Exhibit P-31 was  
17 marked for identification and  
18 received in evidence.)

19                  BY MS. O'REILLY:

20           Q       At the time that you had sent this  
21 message, had you already been sent home under the  
22 withdrawal order?

1 A Yes.

2 Q And you did not return to the mine until  
3 April 17th when you were terminated?

4 A Yes.

5 Q I'm going to have you go back to Exhibit  
6 P13. That's in Volume 1. We have to change  
7 notebooks. I'll direct you to Page 211.

8 A Okay.

9 Q And in the middle of Page 211 do you see  
10 a message from John Spears dated 4-11 at 8:08  
11 a.m.?

12 A Yes.

13 Q And that message looks like it was sent  
14 to the mill group chat. Is that correct?

15 A That is correct.

16 Q And you were a part of that chat?

17 A Yes.

18 Q And this message states, "Good morning  
19 crew. We will finish SO 325 this morning.  
20 Everyone did very well yesterday with pallets and  
21 color bearing and staging product. Thank you."  
22 Did I read that portion of the message correctly?



1           A       Yes.

2           Q       And would April 11th have been the last  
3 day that you were working before the MSHA  
4 shutdown?

5           A       Yes.

6           Q       You showed up to work on April 12th, but  
7 it was shut down under order?

8           A       Yes.

9                   JUDGE MORAN: The answer is yes?

10                  THE WITNESS: Yes.

11                  BY MS. O'REILLY:

12           Q       I'll direct your attention to Exhibit  
13 P7.

14           A       7.

15           Q       Yes.

16           A       Okay.

17                  JUDGE MORAN: Which is another new one.

18                  THE WITNESS: Yes.

19                  BY MS. O'REILLY:

20           Q       Do you know what this document is?

21           A       Yes. This is a message that I had sent  
22 out of the MSHA handbook. I sent this message to

1 Mr. Spears.

2 Q And did you send this message to John  
3 Spears via Microsoft Teams?

4 A Yes.

5 Q And this -- you know this message your  
6 exhibit -- the blue message, that's the message  
7 that you sent?

8 A Yes.

9 Q And this is a screen shot of your phone?

10 A Yes.

11 Q Which is why your messages are showing  
12 up blue?

13 A Yes.

14 Q And do you know about what date this  
15 message was sent?

16 A It would have been, I think it was sent  
17 on the 12th.

18 Q Okay. After the 104(b)?

19 A Was shut down, yes. It would have been  
20 like that evening.

21 Q And it looks like they're sending a  
22 message, or you screen shotted, what is it that

1     you're screen shotting there?

2           A     Page out of the MSHA manual, handbook.

3           Q     And what was that page about?

4           A     Miners pay during a shutdown.

5           Q     And you were sending that to Mr. Spears?

6           A     Yes.

7           Q     And your message says, "Looks like we  
8     are entitled to up to a week pay because nothing  
9     was done about the safety situation until we were  
10    under the withdraw." Is that correct?

11          A     That's correct.

12          Q     And then at the bottom of that -- the  
13    message goes on, "But legally, have to pay us for  
14    the 12 hours. Then we all file for the other  
15    hours and technology we ran illegal on Monday and  
16    Tuesday." Did I read that correct?

17          A     Yes.

18          Q     And then it says, "Don't really want to  
19    have to file with MSHA, but we the miner workers,"  
20    it looks like it says, "were not at fault"?

21          A     Yes. That's what it said.

22          Q     Is that correct?

1           A       Yes.

2           Q       Did anyone ever respond to you when you  
3       raised this issue about miners pay?

4           A       No.

5           Q       Did you expect this issue with miners  
6       pay with MSHA before you sent this message?

7           A       Yes.

8           Q       I move to -- oh, is this a true and  
9       accurate copy of the message you sent to John  
10      Spears?

11          A       Yes.

12                 MS. O'REILLY: I move to admit Exhibit  
13      P7 into evidence.

14                 JUDGE MORAN: Do you object?

15                 MR. TIDABACK: I do.

16                 JUDGE MORAN: You object to this?

17                 MR. TIDABACK: Yes, sir. It has no date  
18      on it. How do we know.

19                 JUDGE MORAN: Okay. Do you want to  
20      address that?

21                 MS. O'REILLY: Sure, I can do that.

22                 JUDGE MORAN: I think you asked the

1 question about that, but ask him a couple more  
2 questions so that I can appreciate that he can  
3 identify the date, approximate date.

4 MS. O'REILLY: Okay. I can do that, and  
5 then there's another exhibit that confirms this a  
6 little bit more.

7 BY MS. O'REILLY:

8 Q But did you send this message in  
9 response to a 104(b) withdrawal order?

10 A Yes.

11 Q And do you understand that that 104(b)  
12 withdrawal order was issued on April 12th, 2023?

13 A Yes.

14 Q And you were terminated on April 17th,  
15 2023. Correct?

16 A Yes.

17 Q At that time you were cut off from Teams  
18 messages?

19 A Yes.

20 Q So you could not have sent this message  
21 after your employment. Correct?

22 A No.

1 Q After you were terminated?

2 A No, I could not have.

3 Q And you wouldn't have had a reason to  
4 send it prior to April 12th, 2023?

5 A No.

6 Q Correct? So this message was sent at  
7 some point between April 12th and April 17th,  
8 2023?

9 A Yes.

10 JUDGE MORAN: You agree with that?

11 THE WITNESS: Yes, sir.

12 JUDGE MORAN: Okay. I'm overruling the  
13 objection, but if you think it would be fruitful,  
14 I can't judge that, this would be a subject of  
15 challenging Mr. Baumann about the date of this  
16 message. I am not sure, though, that -- that it  
17 is critical to establish the precise date within  
18 the range of dates that Attorney O'Reilly just  
19 identified. I mean, if you say no, it was the  
20 13th or the 14th, you know, I don't know how that  
21 -- if it is a response from the Respondent during  
22 that window of time.

1 MR. TIDABACK: It's just one and the  
2 same, Your Honor. How do we know it was sent at  
3 all if it doesn't have a time date stamp.

4 JUDGE MORAN: That's something you can  
5 ask on cross examination.

6 BY MS. O'REILLY:

7 Q And Mr. Baumann --

8 JUDGE MORAN: I'm going to ask just a  
9 follow-up question for Mr. Baumann. So tell me  
10 again, you might have said it. I'm sorry, I was  
11 making a note and so my attention was diverted,  
12 but looking at Exhibit P7, one page. Right?

13 THE WITNESS: Yes.

14 JUDGE MORAN: Did you say -- does this  
15 come from the Respondent?

16 MS. O'REILLY: No, from Mr. Baumann.

17 JUDGE MORAN: And do you say how you  
18 recognized this, Mr. Baumann?

19 THE WITNESS: Yeah, because I actually  
20 took in great detail after I seen a message from  
21 Mr. Tidaback about getting the mill workers  
22 gainfully being employed and working, and then the

1 -- some mill associates asked me if we were  
2 eligible for any pay being we were shut down for a  
3 force issue. So I looked it up in the miners rep  
4 -- or the miners MSHA book, and I took a picture  
5 of it and I sent it to John to make sure that they  
6 knew that they were obligated to pay us for at  
7 least the rest of that day and then the four hours  
8 the next day.

9 JUDGE MORAN: Okay. Fair enough for the  
10 explanation. And that's valuable, but what I want  
11 to know is how was this page created, if you know?  
12 Is this a picture that you took of your phone?

13 THE WITNESS: Yes. I went to the MSHA  
14 website and looked it up.

15 JUDGE MORAN: No, no. I don't mean  
16 that. I mean, looking at -- I understand where  
17 you got that from, but how was P7, Page 1 created?  
18 Is this another one of these you take a picture of  
19 your phone?

20 THE WITNESS: Yes. I screen shot it.

21 JUDGE MORAN: That's what this is?

22 THE WITNESS: Yes.



1 JUDGE MORAN: No one else did this. You  
2 took a screen shot of your own phone?

3 THE WITNESS: Yes, sir.

4 JUDGE MORAN: And that's what this is  
5 represented on P, the one page that's there?

6 THE WITNESS: Yes.

7 JUDGE MORAN: All right. I think I  
8 hammered that out. Thank you.

9 BY MS. O'REILLY:

10 Q And now I'll turn our attention to  
11 Exhibit P32, which is in Volume 2.

12 JUDGE MORAN: 32? Now we're at 32?

13 MS. O'REILLY: Yes.

14 JUDGE MORAN: Okay. Did I say if P7 is  
15 admitted? If not -- okay.

16 MS. O'REILLY: You did.

17 (Complainant's Exhibit P-7 was  
18 marked for identification and  
19 received in evidence.)

20 JUDGE MORAN: Okay. Thank you. And now  
21 we're on 32?

22 MS. O'REILLY: Yes.

1 BY MS. O'REILLY:

2 Q Do you know what this document is on  
3 P32?

4 A Just the one, Page 1.

5 Q Yes. Let's talk about Page 1.

6 A Okay. Yes. These are some Teams  
7 messages.

8 Q And I'll direct your attention to the  
9 first message from John Spears dated 4-14 at 8:18  
10 a.m. which states, "We're headed to the PFT test  
11 now." Do you see that?

12 A Yes.

13 Q And then it says from Rob?

14 A Yes.

15 Q And then it looks like he is, Mr.  
16 Spears, is copying and pasting the message we were  
17 just talking about in P7 in this message to Mr. --  
18 to someone else in P32?

19 A Yes.

20 Q And this document, P32, is three pages  
21 of Teams messages. Do you see that?

22 A Yes.

1           Q     And this message at the top, that --  
2     that looks to be a copy of the message we were --  
3     just talked about.  Correct?

4           A     Yes.

5           Q     And who -- it says JS and John Spears,  
6     and then it goes on to a blue message.  Do you  
7     understand who the blue messages are?

8           A     The blue messages would be Russell  
9     Tidaback.

10          Q     Based on the information we have  
11     recently --

12          A     Based on, yes.

13                MS. O'REILLY:  And I will move to admit  
14     Exhibit P32.  This is the document that was also  
15     produced in discovery.

16                JUDGE MORAN:  Okay.  Any objection to  
17     the document you produced in discovery to the  
18     Secretary?

19                MR. TIDABACK:  Explain all of the  
20     Exhibits P32 or just that first page?

21                JUDGE MORAN:  Well, she's moved for the  
22     introduction of the whole exhibit, so if you have

1 an objection, and remember now, most of this would  
2 be in a cross examination, but the question before  
3 me is is this the document that the Secretary has  
4 asserted was produced by you in reference to  
5 discovery?

6 MR. TIDABACK: Yes, Your Honor. I have  
7 no objection to that.

8 (Complainant's Exhibit P-32 was  
9 marked for identification and  
10 received in evidence.)

11 JUDGE MORAN: Okay. Then P32 is  
12 admitted, and if you feel there's grounds on cross  
13 examination you'll refer to P32 and we'll listen  
14 to that.

15 MR. TIDABACK: Yes.

16 JUDGE MORAN: Okay. P32 is admitted.

17 BY MS. O'REILLY:

18 Q And you said that this first message  
19 from John Spears appears to be a copy of the  
20 message you talked about in P7 and John Spears is  
21 sending this on April 14th. Do you see that?

22 A Yes.

1 Q Does that help you recall when you might  
2 have sent that message in P7 to John Spears?

3 A Yes. I would have sent it -- this  
4 explains it. I would have sent it 4-13, late that  
5 -- late the previous day.

6 Q Okay.

7 A Or really early that morning. One of  
8 the two days.

9 Q But does it narrow it down to you at  
10 least sent that message in P7 between April 12th,  
11 2023 and April 14th, 2023?

12 A Yes.

13 Q On Page 2 do you see a message in blue  
14 from Mr. Tidaback in the middle that starts by  
15 saying "By all means, if Rob thinks we did  
16 something illegal, then he should bring it up"?

17 A Yes.

18 Q And does it again look like it's copying  
19 that same message you sent in P7?

20 A Yes.

21 Q Then a little while after that message,  
22 or the next message there, there's another message

1 from Mr. Tidaback that says, states, "We can pay  
2 the guys to come in and do other things... but  
3 this is as I mentioned previously... we need them  
4 to be productive towards production..." Did I  
5 read that correctly?

6 A Yes.

7 MR. TIDABACK: Objection, he didn't  
8 actually read it.

9 JUDGE MORAN: I'm sorry. I was reading  
10 what was said, so repeat your objection, Mr.  
11 Tidaback.

12 MR. TIDABACK: She did not read it  
13 correctly.

14 MS. O'REILLY: I can read it again.

15 JUDGE MORAN: Oh, okay. Thank you.  
16 Okay.

17 BY MS. O'REILLY:

18 Q That message, the second -- the message  
19 after the one that was copied to you on 4-14, it  
20 states, "We can pay the guys to come in and do  
21 other things... but this is as I mentioned  
22 previously... we need them to be productive

1     towards production..." Did I read that correctly?

2             A     Yes.

3             Q     Thank you.

4                   JUDGE MORAN: You know, it's not  
5     necessary for me to resolve this, but as I'm  
6     looking at this, it's not -- again, I don't have  
7     to decide that in this case, but I'm not sure that  
8     that's an appropriate remedy if people are  
9     entitled to some number of hours or period of pay,  
10    I don't know that a mine operator and then to say,  
11    well, you work Saturday and we'll pay you for  
12    Saturday. I don't know that you can substitute a  
13    different day. That's an interesting side  
14    question. I mean, if you're suggesting that the  
15    hours that they should have been working but  
16    couldn't work because of the (b) order, then you  
17    can then substitute that weekend.

18               MR. TIDABACK: That was not --

19               JUDGE MORAN: The intent.

20               MR. TIDABACK: -- the intent or  
21    anything. It was since we couldn't go in the mill  
22    and they couldn't go in the mill to do anything,

1 that's the area that they were not allowed to go  
2 into. We had equipment outside they can work on,  
3 so let's bring them in and put them to work.

4 JUDGE MORAN: Of course, you're  
5 testifying and that will come later. My point was  
6 simply, maybe I shouldn't have even brought it up,  
7 I don't know that if you're -- if you're required  
8 under the Act to pay people who are not able to  
9 work because of a safety hazard and it is pretty  
10 -- I haven't looked at in a long time, but this  
11 number of hours and so forth, but you say this was  
12 not your intention but come on in Saturday and  
13 that will -- and essentially, it would be contrary  
14 to the statute, it seems to me, in having someone  
15 work a different day when they're entitled to work  
16 on the day when they should have worked, but for  
17 safety hazard could not and Congress intended that  
18 those people be paid for those hours, not for some  
19 substitute.

20 In other words, to carry this and then  
21 I'll let it rest, that -- that you can't say,  
22 well, you're even now because you worked on



1 Saturday. We paid you for Saturday and that  
2 settles that other issue. They're apples and  
3 oranges.

4 MR. TIDABACK: Okay. We also got  
5 clarification from the issuing inspector, make  
6 sure that they were paid completely for the work  
7 that they did.

8 JUDGE MORAN: That's a different point  
9 than what I'm making. I understand what you're  
10 saying, though. Okay. All right. I think I  
11 probably should have just kept that too myself,  
12 but go ahead, Attorney O'Reilly.

13 BY MS. O'REILLY:

14 Q I'm just going to have you flip back to  
15 Page 1 of Exhibit P32. And that first message  
16 from John Spears where he copied the message you  
17 had sent, that's dated 4-14 at -- 4-14, so April  
18 14th at 8:18 a.m. Is that correct?

19 A Yes.

20 Q Now, have you turn to back to Page 2.  
21 And the last message on this page from Mr.  
22 Tidaback dated April 14th at 9:14 a.m., it states,

1 "Except an MSHA complaint when Rob is let go...  
2 The writing is on the wall." Did I read that  
3 correctly?

4 A Yes.

5 Q And then on Page 3, this part of it,  
6 about halfway through the page there's another  
7 message from Mr. Tidaback on April 14th at 9:18  
8 a.m. Do you see that?

9 A Yes.

10 Q And that was exactly an hour after your  
11 message about miners pay was forwarded to Mr.  
12 Tidaback. Correct?

13 A Yes.

14 Q And this message states, "Rob's  
15 termination will be based on production  
16 performance. Not following guidance given by  
17 management. Not ensuring the safety of the mill  
18 associated by utilizing the proper controls,  
19 etcetera. He doesn't have to sign it. We just  
20 need to have a document of why he was let go."  
21 Did I read that correctly?

22 A Yes.

1           Q     Had you ever been told you were having  
2     issues with production performance before you were  
3     terminated?

4           A     No.

5           Q     Had you been told that you were having  
6     issues with not following guidance given by  
7     management before you were terminated?

8           A     No.

9           Q     Have you ever been told that you were  
10    not ensuring the safety of the mill associates  
11    before you were terminated?

12          A     No.

13          Q     In fact, were you actually trying to  
14    ensure the proper PPE would get purchased  
15    specifically for the dust issues going on at this  
16    time?

17          A     Yes.

18          Q     Can you explain your efforts to get the  
19    PPE for miners regarding the dust issue?

20          A     Yeah, I just -- we got the shutdown, how  
21    important was the silica -- keeping the silica  
22    dust out of us was. I had requested more of the

1 paper masks that we were allowed to use, and I had  
2 problems getting them. So I finally, some of them  
3 was in and then when the PAPR systems were ordered  
4 to be -- when they ordered them, to order the PAPR  
5 systems to have them there so we could use them to  
6 go in the mill until they got the dusting problem  
7 fixed. And I just checked with the safety  
8 director every day to see if the systems had been  
9 ordered or if they were on their way, if they were  
10 there yet.

11 JUDGE MORAN: So identify for me, you  
12 said the PAPR systems. Is that an acronym?

13 THE WITNESS: Air systems.

14 JUDGE MORAN: You're not saying paper?

15 THE WITNESS: PAPR. PAPR. Yes.

16 JUDGE MORAN: That stands for?

17 THE WITNESS: You're testing me now. I  
18 honestly don't remember. Basically it's the  
19 respirators with the filters, you know.

20 JUDGE MORAN: Okay. We're not talking  
21 about an N95 paper mask. Something more than?

22 THE WITNESS: Something more than N95

1 paper mask. Yes, Your Honor.

2 JUDGE MORAN: Okay.

3 MS. O'REILLY: And for the court  
4 reporter, I believe it's P-A-P-R, like all caps.

5 THE WITNESS: Yeah. I just always said  
6 PAPR.

7 BY MS. O'REILLY:

8 Q Yeah. And you just mentioned you were  
9 discussing the PAPRs and the masks with Jesse  
10 Molesi, the safety director. Correct?

11 A Yes.

12 Q Or safety personnel, I guess?

13 A We had -- there was actually some  
14 systems at the -- at the mill, at the mine, and  
15 then we dug them out to see if they were usable at  
16 all, and the -- the rubber pieces that fit around  
17 your face and stuff, as soon as you touched them  
18 it just disintegrated they were so old, so.

19 JUDGE MORAN: They were brittle?

20 THE WITNESS: Yes. Better word, they  
21 were extremely brittle, yes.

22 JUDGE MORAN: Okay.

1 BY MS. O'REILLY:

2 Q And these safety issues about the PAPRs  
3 and getting, you know, the dust issue corrected,  
4 did you speak to Mr. Molesi about that after the  
5 104(b) order is issued in April 12th?

6 A Yes.

7 Q And what did you speak about, the things  
8 you have just been speaking about or can you  
9 remember anything in particular?

10 A Basically I would message him, send him  
11 a text message seeing if we had gotten any PAPR  
12 systems or if any had even been ordered yet, and  
13 if they had called anybody in or got a plan  
14 together to work on the air cleaner system.

15 Q And do you recall when you were talking  
16 to him about that?

17 A It would have been April 13th or 14th,  
18 April 13th and 14th. I spoke with him every day.

19 Q Every day after?

20 A After the order was, yes.

21 Q Do you know if he spoke to Mr. Tidaback  
22 about the concerns you were raising about the dust

1 issues?

2 A Yes. He was sending e-mails with  
3 different options on what kind of PAPR we could  
4 get ordered, and you know, things like that.

5 Q And did Mr. Molesi tell you that he was  
6 sending those e-mails?

7 A Yes.

8 Q These things happened on April 14th,  
9 which was the Friday before you were terminated on  
10 April 17th?

11 A Yes.

12 Q And this termination happened just three  
13 weeks before -- after you became a miners rep?

14 A Yes.

15 Q And within days, including two weekend  
16 days of you asking about miners pay during an MSHA  
17 withdrawal order?

18 A Yes.

19 Q And five days after you participated in  
20 an MSHA inspection which caused the mine to be  
21 issued the 104(b) order regarding dangerous silica  
22 dust hazards?

1           A       Yes.

2           Q       And the 104(b) order was issued for not  
3       controlling dangerous silica dust, a safety issue  
4       which you had repeatedly raised to management.  
5       Correct?

6           A       Yes.

7           Q       And your termination happened also just  
8       two weekend days after you were messaging with the  
9       safety person, Jesse Molesi, about your concerns  
10      about the dust?

11          A       Yes.

12          Q       About how many days from February to  
13      April 17th, 2023 would you say you were walking  
14      around with MSHA during inspections?

15          A       I mean, they were there for weeks at a  
16      time, so every day that they were there.  
17      Apparently at least three weeks. All the average  
18      they was there I was with them.

19          Q       So would you say probably more than ten  
20      times?

21          A       Oh, yes.

22          Q       In that two month before you were



1 terminated?

2 A Yes.

3 Q At least ten times?

4 A At least.

5 Q It may have been more?

6 A Yes.

7 Q Prior to your termination were you  
8 starting to get concerned that they may retaliate  
9 against you for engaging in MSHA inspections and  
10 raising safety concerns?

11 A Yes.

12 Q And why do you say that?

13 A They quit including me on Teams  
14 messages. Kind of didn't really keep me up to  
15 date on things.

16 Q They were starting to ignore you?

17 A Yes.

18 Q Is that correct?

19 JUDGE MORAN: You can do that, you can  
20 drop someone from a Teams message?

21 THE WITNESS: They just wouldn't like --  
22 in a lot of Teams message if you put the person's

1 name at the beginning of it it tags them in it,  
2 and always before I'd get tagged in things and  
3 then it seemed like I just kind of got dropped  
4 off, you know. Nothing ever directed towards me  
5 and John or towards me and Jesse, you know, when  
6 we were all working together trying to get the  
7 stuff fixed.

8 JUDGE MORAN: A moment ago Attorney  
9 O'Reilly asked you about whether you were there --  
10 how many times you were there when an MSHA  
11 inspector was there, and you agreed with her  
12 saying at least ten times. Do you remember saying  
13 that a minute ago?

14 THE WITNESS: Yes.

15 JUDGE MORAN: Okay. Let me turn that  
16 question around. During this period of time were  
17 there ever times when an MSHA inspector was there  
18 and you just weren't available? I mean, you were  
19 on the mill part but you didn't couldn't make  
20 yourself available because you were doing other  
21 things and therefore couldn't attend with the  
22 inspector?

1           THE WITNESS: There was -- during the  
2 shutdown there was a time that I believe there was  
3 four or five inspectors there all at once, so  
4 naturally I wasn't with all of them at the same  
5 time.

6           JUDGE MORAN: Are you telling me,  
7 therefore, but there was never a time when you  
8 were not at least with an inspector from MSHA when  
9 they were there on the property?

10          THE WITNESS: No. Every time -- every  
11 time that they were there, I was with them.

12          JUDGE MORAN: Okay. Thank you.

13          THE WITNESS: Maybe not the entire time  
14 they were there, you know, minus, you know, if  
15 they were going to come check on something or if  
16 they had pointed something out that I could fix  
17 right then, I did it. They moved on, I went and  
18 caught up with them.

19          JUDGE MORAN: All right. Thank you for  
20 explaining that further. Go ahead, Attorney  
21 O'Reilly.

22

1 BY MS. O'REILLY:

2 Q And after March 21st, 2023, when you  
3 became a miners representative, did MSHA make a  
4 point of contacting you when they arrived so that  
5 you could participate?

6 A Yes.

7 Q Were you ever disciplined by anyone at  
8 American Tripoli?

9 A No.

10 Q Did you ever receive any sort of verbal  
11 warning about your work or any other issues at  
12 American Tripoli?

13 A No.

14 Q Did you ever receive any sort of written  
15 discipline or reprimand from anyone at American  
16 Tripoli?

17 A No.

18 Q Did you ever get a performance review  
19 while working at American Tripoli?

20 A No.

21 Q Do you know if anyone did?

22 A Not to my knowledge.

1           Q       Were you ever counseled by Russell  
2       Tidaback for any problems or issues you were  
3       having at work?

4           A       No.

5                   JUDGE MORAN: Well, even apart from the  
6       word counseled, let's just not restrict it to  
7       counseling, but were you ever -- did Mr. Tidaback  
8       or Jordan Tidaback ever sit down with you and  
9       discuss shortcomings that they felt that you had  
10      in the performance of your job?

11                  THE WITNESS: No.

12                  JUDGE MORAN: Okay.

13                  BY MS. O'REILLY:

14           Q       I'm going to have you turn to Exhibit  
15       P34.

16                  JUDGE MORAN: Which would be a new one?

17                  MS. O'REILLY: Yes. Correct. And  
18       you'll see that this is discovery responses from  
19       Respondent in this case, and as part of those  
20       discovery responses some Teams messages were  
21       included within the responses. So I guess I would  
22       move to admit this as party admissions in

1 discovery in this case.

2 JUDGE MORAN: I can't imagine you would  
3 have an objection to this. Is that true?

4 MR. TIDABACK: No, Your Honor.

5 (Complainant's Exhibit P-34 was  
6 marked for identification and  
7 received in evidence.)

8 JUDGE MORAN: Okay. So P34 is admitted,  
9 and this would or would not be part of the ECMS?  
10 It be would outside of ECMS?

11 MS. O'REILLY: Correct.

12 JUDGE MORAN: So I have this response  
13 from the Respondent and reflected in the 56 pages  
14 which constitutes P34. It's admitted.

15 BY MS. O'REILLY:

16 Q I'll direct your attention, Mr. Baumann,  
17 to page -- the top of Page 15 in this exhibit.

18 A Okay.

19 Q And do you see on that page a Request  
20 No. 10 which says, "Produce an un-redacted  
21 complete copy of Russell Tidaback's Microsoft  
22 Teams communications with Jim Huber from April

1 17th, 2023, through May 7th, 2023."

2 A Yes.

3 Q And then do you see a response that  
4 says, "Please see the following chat"?

5 A Yes.

6 Q Okay. And then on Page 16, the next  
7 page, do you see some Teams messages?

8 A Yes.

9 Q And who is Jim Huber?

10 A He was a mill associate.

11 Q And he was an employee of American  
12 Tripoli at this time?

13 A Yes.

14 Q On Page 16 -- well, on Page 15 we  
15 discussed how these -- this was in response to a  
16 request for message between Russell Tidaback and  
17 Jim Huber. Correct?

18 A Correct.

19 Q So do you understand who these blue  
20 messages would be from in these messages that  
21 followed that request?

22 A The blue messages would be from Mr.

1 Tidaback.

2 Q And it looks like on Page 16, in the  
3 second message sent on April 17th at 12:53 p.m.,  
4 do you see that message?

5 A Yes.

6 Q And you understand that to be from Mr.  
7 Tidaback?

8 A Yes.

9 Q And it states, "We are making a  
10 change... or have made a change. Unfortunately we  
11 had to let Rob go today." Do you see that?

12 A Yes.

13 Q Did I read that correctly? Just those  
14 first two sentences correctly?

15 A Yes.

16 Q And so you were let go by 12:53 p.m. on  
17 that day?

18 A Yes.

19 Q This happened earlier that morning?

20 A Yes.

21 Q And then I'm going to have you turn to  
22 Page 19.



1           A     Okay.

2           Q     And do you see in the middle of that  
3 page a message from Russell Tidaback dated April  
4 19th 9:00 p.m.?

5           A     Yes.

6           Q     Okay. And I'm going to read this. It  
7 does contain expletives but I'm just going to read  
8 it word for word.

9                   JUDGE MORAN: I can handle it.

10                  BY MS. O'REILLY:

11           Q     This statement says, "MSHA just  
12 compounds the problem 10 X but not working with us  
13 and being fucking dicks." Did I read that  
14 correct?

15           A     Yes.

16           Q     Is this similar to any other comments  
17 from Mr. Tidaback that he made about MSHA during  
18 your employment?

19           A     Yes.

20           Q     Further down you'll see a response from  
21 Jim Huber, and then on April 19th at 9:01 p.m.  
22 There are three messages from Mr. Tidaback. Do

1     you see that?

2             A       Yes.

3             Q       I'm going to read those.  "This Keith  
4     jackass... he gets his jolly off handing out  
5     citations... this fucker is a snake.  When he is  
6     -- when he's around you better watch what you say  
7     and do... he is out to fuck you or anyone else he  
8     can."  Did I read that correct?

9             A       Yes.

10            Q       And is this similar to the attitude that  
11     American Tripoli had towards MSHA while you were  
12     employed?

13            A       Yes.

14            Q       Does this message surprise you at all?

15            A       No.

16                    JUDGE MORAN:  So to help me out with  
17     this.  I'm not questioning it, but remind me how  
18     is it that you know that the blue passages, like  
19     on Page 18 and 19, that you know that that's from  
20     Mr. Tidaback?  How do you know that?  You may have  
21     it said a couple times.  I just want to make it  
22     clear in my head.

1 THE WITNESS: The person that's sending

2 --

3 COURT REPORTER: I'm sorry. You're  
4 breaking up. You're not coming through.

5 JUDGE MORAN: I see that, but my  
6 question --

7 COURT REPORTER: I couldn't hear his  
8 answer. It didn't come through.

9 JUDGE MORAN: You couldn't hear the  
10 judge or the witness?

11 COURT REPORTER: The Witness.

12 JUDGE MORAN: She said witness? Okay.

13 I'm just trying to understand. Yeah, I see Jim  
14 Huber. I see that. That I can figure out, but my  
15 question is, how do you know that the blue portion  
16 is coming from Mr. Tidaback as opposed to from  
17 someone else? How do you know that? Look at Page  
18 19, for example, on P34.

19 THE WITNESS: Yeah, there wouldn't be --  
20 I can't tell you a hundred percent that that's  
21 from him, but that's from him.

22 JUDGE MORAN: Okay. This was produced

1 by the Respondent?

2 MS. O'REILLY: May I add a comment to  
3 that?

4 JUDGE MORAN: Yes.

5 MS. O'REILLY: So on Page 15, the  
6 discovery response, it's my understanding that  
7 they're making an admission or representation that  
8 this is what this says because it asks for an  
9 un-redacted copy of Russell Tidaback's team  
10 messages with Jim Huber, and then says please see  
11 the following chat.

12 JUDGE MORAN: I'm happy that you pointed  
13 that out to me. Not happy in the sense that it  
14 doesn't help the Respondent, but happy in that  
15 that helps me focus on and really answers my  
16 question, so thank you.

17 MS. O'REILLY: Okay. Good.

18 JUDGE MORAN: So that's noted on Page 15  
19 of Exhibit P34. Okay. Go ahead with your  
20 questions again. And again, by the way, I just  
21 wanted to point out. That's another example of  
22 how in post hearing briefs you might say, well,

1 it's obvious if he would look, meaning me, at P15,  
2 he could have put that together. But it's also --  
3 if you sort of lead me and say, and on the issue  
4 of who was responding, please note Page 15 where  
5 dah, dah, dah, what you just said. All right?

6 Thanks.

7 BY MS. O'REILLY:

8 Q Do you know anyone named Keith that was  
9 employed at American Tripoli?

10 A No.

11 Q Was there an MSHA inspector named Keith  
12 that came to American Tripoli?

13 A Yes.

14 Q And what was that inspector's name?

15 A Keith Markeson.

16 Q Was Mr. Markeson the inspector who  
17 issued the 104(b) citation just a few days before  
18 you were terminated?

19 A Yes.

20 Q I'm going to direct your attention to  
21 Page 24, and you see at the top, towards the top  
22 of the page there's a message on April 19th at

1 9:57 p.m. from Mr. Tidaback.

2 A Yes.

3 Q And it states, "Everyone," in all caps,  
4 "needs to stop calling MSHA." Did I read that  
5 correctly?

6 A Yes.

7 Q And is this similar to the kind of  
8 comments Mr. Tidaback made about MSHA during your  
9 employment?

10 A Yes.

11 Q Did comments like these make you fearful  
12 about talking to MSHA?

13 A Yes.

14 Q Please turn to Page 27. And in the  
15 middle of the page there is a message dated 4-19  
16 at 10:40 p.m. from Mr. Tidaback. Do you see that?

17 A Yes.

18 Q And it says, "Keith is a jackass..."  
19 Did I read that correctly?

20 A Yes.

21 Q Then it continues with the response from  
22 Mr. Huber about Keith and then Mr. Tidaback

1 states, "I personally... would just stay away from  
2 that guy. Intentionally stay away." Did I read  
3 that correct?

4 A Yes.

5 Q Were you scared of any of the MSHA  
6 inspectors?

7 A No.

8 Q Did any of the MSHA inspectors ever  
9 threaten you?

10 A No.

11 Q Were you afraid of Mr. Markeson?

12 A No.

13 Q Did you ever see any MSHA inspector  
14 threaten anyone else?

15 A No.

16 Q On Page 28 toward the bottom of the page  
17 do you see a message from Mr. Tidaback on April  
18 28th at 8:50 a.m.?

19 A Yes.

20 Q And do you see it states, "Hey, hey,  
21 brother... let's do good things. Okay? Have a  
22 good day."

1 A Yes.

2 Q And then there's a couple responses from  
3 Mr. Huber and then Mr. Tidaback on April 28th at  
4 8:51 a.m. states, "We need you to make that place  
5 rock and roll. I need the justification since  
6 Rob's complaint to MSHA about being let go...  
7 Just need you to put the cherry on the cake.  
8 That's all." Did I read that correct?

9 A Yes.

10 Q Then on Page 39, towards the middle of  
11 the page, on May 7th at 2:02 p.m. do you see a  
12 message from Mr. Tidaback?

13 A Yes.

14 Q It states, "Then the whole MSHA thing in  
15 February..." Did I read that right?

16 A Yes, you did.

17 Q Then Jim Huber responds, "Oh, he thought  
18 this over on that deal. Sorry for cussing." Did  
19 I read that correct?

20 A Yes.

21 Q Then the next message states, "That's  
22 when Rob started to really buck back against what



1 John was telling him to do." Did I read that  
2 correct?

3 A Yes.

4 Q And then the next message, Mr. Tidaback  
5 responds, "Oh, I know..." to Jim Huber's message,  
6 "oh, he fucked us over on that deal. Sorry for  
7 cussing." Correct?

8 A Correct.

9 Q February is when you first started  
10 participating in MSHA inspections. Is that  
11 correct?

12 A That's correct.

13 Q And would you agree that you also  
14 started to raise more safety complaints to  
15 management in February because of what you were  
16 learning during the MSHA inspections?

17 A That's correct.

18 Q Did you start questioning management  
19 more about safety issues after February when you  
20 started walking around during MSHA inspections?

21 A Yes.

22 Q And that was about safety issues?

1           A       Yes.

2                   JUDGE MORAN:   Who would you raise these  
3 questions with?

4                   THE WITNESS:   John Spears.   Most of it  
5 in the beginning was the stacking was a huge.

6                   JUDGE MORAN:   But you were voicing these  
7 concerns when you were learning more during walk  
8 around, you were voicing them to whom?

9                   THE WITNESS:   To John Spears, the  
10 operations manager, and to MSHA inspectors.

11                  JUDGE MORAN:   Okay.   I didn't know if  
12 you were voicing them to, for instance, to anyone  
13 else besides Mr. Spears.

14                  THE WITNESS:   No.   It was all directed  
15 toward -- because everything went through, we got  
16 in trouble if we skipped, you know, we skipped  
17 John and tried to message Russell, we had to go  
18 through John to --

19                  JUDGE MORAN:   Okay.   Go ahead.

20                  BY MS. O'REILLY:

21                  Q       Was it your understanding that the  
22 system was you would speak to Mr. Spears and he

1 would relay information to Mr. Tidaback?

2 A Yes.

3 Q When you received the issues to Mr.  
4 Spears, did he respond, indicating to you that he  
5 had spoke about those issues with Mr. Tidaback?

6 A Yes.

7 Q Turn to Page 40 of P34. And it looks  
8 like this May 7th conversation between Mr. Huber  
9 and Mr. Tidaback continues on, and then towards  
10 the top of this page there's a message on May 7th  
11 at 2:09 p.m., and you see -- you see three  
12 different messages from Mr. Tidaback and then the  
13 fourth one states that "He has made a friend at  
14 MSHA... he... Rob's a fool to think Keith is his  
15 friend." Did I read that correct?

16 A Yes, you did.

17 Q And did you walk around with MSHA  
18 Inspector Keith Markeson during inspections?

19 A Yes.

20 Q Did you walk around with him multiple  
21 times during MSHA inspections?

22 A Yes.

1           Q     Including inspections in the week before  
2     you were terminated?

3           A     Yes.

4           Q     Did you work with Mr. Markeson to try to  
5     improve safety at the mine?

6           A     Yes.

7           Q     And did you talk to Mr. Keith Markeson  
8     about safety issues at the mine?

9           A     Yes, I did.

10          Q     I'm going to turn your attention to  
11     Exhibit P12. I'm going to direct you to Page 23.

12          A     Okay.

13          Q     Towards the bottom of the page.

14                JUDGE MORAN: Before you do that, I take  
15     it that P12, you're representing that this was  
16     what it says, Respondent's Third Interrogatories  
17     Answers and Responses for Production of Documents.  
18     Right? That's the document you're talking about  
19     and this is what you get from the Respondent?

20                MS. O'REILLY: Yes. This has been  
21     admitted previous.

22                JUDGE MORAN: I understand that. Did I

1   lose track of one? Right. No, P12. We're on  
2   P12? You sure we covered P12? I missed one. I  
3   have P13.

4                   MS. SMITH: I wrote down P12.

5                   JUDGE MORAN: Okay. And it was  
6   admitted. Thank you for helping me with that. Go  
7   ahead, then. I'm sorry. Go right to the page you  
8   were talking about.

9                   BY MS. O'REILLY:

10           Q     Page 23, P12. We're at the bottom of  
11   the page there's a message from you, y-o-u, on  
12   7-13-22, at 8:36 p.m. Do you see that?

13           A     Yes.

14           Q     Who do you understand that you to be?

15           A     Russell Tidaback.

16           Q     And why do you say that?

17           A     Because it had his picture next to it.

18           Q     And this message looks like it was sent  
19   to the mill group chat. Is that correct?

20           A     That's correct.

21           Q     Would you have been a part of that group  
22   chat in July of 2022?

1 A Yes.

2 Q And this message states dot, dot, dot,  
3 emoji, "and if you are asked a question by the  
4 inspector, keep your answer short and simple.  
5 Don't be," in quotes, "that guy," end quote,  
6 "Cameron LOL that thinks he knows it all and  
7 starts pointing out all the faults, etcetera." In  
8 parens, "I only named John Cameron since he  
9 doesn't work with us any longer," emoji end  
10 parens. Did I read that correctly?

11 A Yes.

12 Q So they were communicating with you  
13 almost since the start of your employment that you  
14 should not be pointing out MSHA's -- issues to  
15 MSHA. Correct?

16 A Correct.

17 Q Did statements like this make you  
18 nervous to speak to MSHA?

19 A Yes.

20 Q Were you concerned that statements like  
21 this deterred miners in speaking to MSHA?

22 A Yes.

1           Q     Can you think of any examples that led  
2     you to believe that other miners were deterred  
3     from speaking to MSHA by this?

4           A     Just, for instance, this Cameron and  
5     Terry had been involved with some inspections and  
6     had pointed some things out, and then like a week  
7     later they were both terminated.

8           Q     I think you did say Cameron but earlier  
9     you said Carson?

10          A     Carson and Terry. I apologize. Too  
11     much to keep track of it.

12          Q     Okay. And I will direct your attention  
13     to Exhibit P11.

14                 JUDGE MORAN: Is this new or another one  
15     I missed?

16                 MS. O'REILLY: This is new.

17                 JUDGE MORAN: Okay.

18                 BY MS. O'REILLY:

19          Q     And do you know what this document is?

20          A     More Teams messages.

21          Q     And do you understand these Teams  
22     messages that were produced in discovery by

1 Respondent in this case?

2 A Yes.

3 MS. O'REILLY: I would move to admit  
4 Exhibit P11 as a document that was produced by  
5 Respondent in discovery in this case which  
6 contains admissions and statements.

7 JUDGE MORAN: Any objection to P11?

8 MR. TIDABACK: No objection, Your Honor.

9 JUDGE MORAN: P11 is admitted.

10 (Complainant's Exhibit P-11 was  
11 marked for identification and  
12 received in evidence.)

13 BY MS. O'REILLY:

14 Q And if you could turn to Page 2 of P11.  
15 In the second message on that page from John  
16 Spears dated April 14th, at 2:07 p.m. Do you see  
17 that?

18 A Yes.

19 Q And that's to ATMO Safety. Do you see  
20 that?

21 A Yes.

22 Q And I think you earlier discussed that



1     you would have been part of the safety, ATMO  
2     safety group chat?

3             A     Yes.

4             Q     And this message states dot dot dot,  
5     "I'm telling you guys... Keith is a snake... be  
6     cautious on what you say to and around him. Any  
7     MSHA inspector really. Michael Van Dorn, ex-MSHA  
8     employee... good reference." Then lists a phone  
9     number. "I spoke with him and he gave me a good  
10    rundown on Keith, Mr. Pratt, etcetera." Did I  
11    read that correct?

12            A     Yes.

13            Q     Did John Spears ever make any comments  
14    about not speaking to MSHA or not trusting MSHA  
15    inspectors during your employment?

16            A     Yes.

17            Q     These comments were coming from both Mr.  
18    Spears and Mr. Tidaback during your employment?

19            A     Yes, they were.

20            Q     Overall do you feel like American  
21    Tripoli took your concerns about safety seriously?

22            A     No.

1 Q And why do you say that?

2 A They, I mean, blatantly ignored most of  
3 the safety complaints. Didn't fix any of the  
4 safety citations through MSHA, that MSHA wrote.

5 Q Were you ever prevented by American  
6 Tripoli from complying with MSHA safety standards?

7 A Yes.

8 Q In what ways?

9 A For instance, the one dam that was  
10 underneath the tube that was gathering the oil  
11 that we used to produce, the MSHA inspector said  
12 that it was a fire hazard and that we needed to do  
13 away with the dam and get the -- like a catch pan  
14 that we can empty multiple times a day, if we need  
15 to. And I started, we and the mill associates,  
16 started to turn out to clean it up and was told by  
17 John Spears we ain't doing that. They can't make  
18 us do that. It's been like that 60 years.  
19 Previous MSHA inspector said it was okay. We're  
20 not tearing that out.

21 And the product that was blocking -- the  
22 product that was on the floor that was blocking

1 the electrical system, we were going to shuttle it  
2 up and we were told not to fix it because they  
3 were going to put it through the system. It was  
4 fine where it was at.

5 Q Do you know during your time with  
6 American Tripoli, did maintenance ever run into  
7 issues getting approval to fix items or safety  
8 issues that you raised?

9 A Multiple times.

10 Q Can you explain that?

11 A If anything took -- another instance,  
12 there was an instance that I was walking out with  
13 the MSHA inspectors and there was a worn out  
14 bearing on a shaft and there was a rag, just a  
15 greased rag shoved in there, and I don't think  
16 they even cited us for it, but the inspector said,  
17 hey that's, you know, that's a fire hazard, a  
18 greasy rag on a turning product. We need to get  
19 that out of there, so I pulled it out and took a  
20 picture of the bearing. Said, hey, we need to get  
21 this bearing replaced. I can't remember the exact  
22 maintenance person at the time, got in --

1 actually, just called them. They came out, looked  
2 at it with me. They couldn't get approval to get  
3 the bearings, to get the bearings replaced, to buy  
4 a new bearing to put on the shaft because it was  
5 going to cost down time and cost money.

6 Q Did you run into issues like that on  
7 multiple occasions?

8 A Yes.

9 Q With getting approval to spend money on  
10 necessary repairs?

11 A Multiple occasions.

12 Q Are you seeking back wages in this case?

13 A Yes.

14 Q And are you seeking back wages for the  
15 time you were unemployed as a result of your  
16 termination?

17 A Yes.

18 Q After you were terminated, when did you  
19 start looking for a new job?

20 A Immediately. Next Monday.

21 Q And did you get a new job after you were  
22 terminated?

1 COURT REPORTER: I think we maybe froze  
2 again. I'm not hearing anybody.

3 JUDGE MORAN: She's okay? Thank you.

4 A Yeah. I believe I started in June -- my  
5 next job June 20th, I believe.

6 JUDGE MORAN: I believe we have a record  
7 somewhere of when he started his new employment or  
8 are you just relying on his memory?

9 MS. O'REILLY: I have a document that  
10 will refresh his memory if he does not remember.

11 THE WITNESS: I honestly can't remember  
12 the exact date.

13 BY MS. O'REILLY:

14 Q Okay.

15 A I've went over it a hundred times, Your  
16 Honor, I'm sorry.

17 JUDGE MORAN: Do you remember the name  
18 of the new company?

19 THE WITNESS: Yes. Schaeffler Group.

20 JUDGE MORAN: What is it?

21 THE WITNESS: Schaeffler Group.

22 JUDGE MORAN: Are you employed with them

1 now?

2 THE WITNESS: No. I worked there for  
3 seven days, and it was a machining company and  
4 their screens were up here (indicating), and I  
5 couldn't see -- I honestly just couldn't see the  
6 numbers. So I went and spoke with my supervisor  
7 there. I said, I'm having problems getting the  
8 machine set because I can't see, you know, can't  
9 see the numbers. So he said, hey, we'll -- you  
10 know, we're going to try and work with you.  
11 You're good help, and I went and got an eye exam  
12 and I needed bifocals that were offset.

13 JUDGE MORAN: Okay. This may be more  
14 than I need to know, but.

15 THE WITNESS: So I worked there seven  
16 days.

17 JUDGE MORAN: And then?

18 THE WITNESS: And then I started my new  
19 job that I am currently at Cherokee County Road  
20 and Bridge.

21 JUDGE MORAN: How long after you stopped  
22 the previous job did you start with the Cherokee

1 Road?

2 THE WITNESS: After about four weeks  
3 after -- after leaving Schaeffer.

4 JUDGE MORAN: So you just have a brief  
5 reemployment, a week, and then you were off again?

6 THE WITNESS: Yeah.

7 BY MS. O'REILLY:

8 Q You don't recall the exact dates of when  
9 you started that first job with Schaeffler. Is  
10 that correct?

11 A Yes.

12 Q Do you have any documents that you have  
13 written that would refresh your recollection as to  
14 those dates?

15 A Yes. I had made a sheet with all the  
16 dates and stuff. It's actually in my little book  
17 over there.

18 Q If I were to show you a copy of your  
19 notes, would that refresh your memory as to the  
20 dates of your employment?

21 A Yes.

22 MS. O'REILLY: May I approach the

1 witness?

2 JUDGE MORAN: Yes. Has the Respondent  
3 been provided with a copy of this?

4 MS. O'REILLY: No, this is just his  
5 personal notes to refresh his recollection.

6 JUDGE MORAN: Okay. Do you recognize  
7 that as being your handwriting?

8 THE WITNESS: Yes, Your Honor. I  
9 started with Schaeffler --

10 BY MS. O'REILLY:

11 Q Sorry. I'm going to stop you. Please  
12 read that and let me know when you're done reading  
13 it.

14 A Okay.

15 Q Because I'm going to take it away from  
16 you. So let me know when you're done reading it.

17 A I was off work --

18 Q Okay. No, don't read it out loud. I'm  
19 going to ask you to read it.

20 A And then --

21 Q Yeah.

22 A Oh, yeah, yeah.



1 Q Just let me know when you're done.

2 A Okay.

3 Q And did that -- I have taken that  
4 document back. Did that refresh your  
5 recollection?

6 A Yes.

7 Q When did you start working with  
8 Schaeffler Group?

9 A June the 13th through June 20th.

10 Q And that job was with Schaeffler.  
11 Correct?

12 A Yes.

13 Q And you left that job on June 20th?

14 A Yes.

15 Q And why did you leave that job?

16 A Because I needed special glasses to read  
17 their screens.

18 Q And were those glasses that you would  
19 have had to purchase yourself?

20 A Yes.

21 Q Could you afford to purchase the glasses  
22 that you needed to do that job?

1 A No.

2 Q Did you have health insurance at the  
3 time?

4 A No.

5 Q And why not?

6 A I had just started. I hadn't worked  
7 there long enough to get insurance.

8 Q And how much were those glasses? Do you  
9 recall?

10 A I believe they were about \$830.

11 Q And why couldn't you afford those  
12 glasses?

13 A Because I'd been off work just  
14 collecting unemployment.

15 Q And if you hadn't been fired from  
16 American Tripoli, could you have afforded those  
17 glasses?

18 A Yes.

19 Q For example, if you had quit your job at  
20 American Tripoli to start that job immediately,  
21 would you have been able to afford those glasses  
22 then?

1 A Yes.

2 Q Was your inability to afford the  
3 necessary glasses for that job the only reason you  
4 quit that job?

5 A Yes.

6 Q And what did you do after you left your  
7 position at Schaeffler?

8 A I went looking for jobs again, and I got  
9 a job with Cherokee County Road and Bridge.

10 Q And do you know when you started that  
11 current job?

12 A July 24th, I believe.

13 Q And you are still employed?

14 A Yes.

15 Q And that is the Cherokee County Road and  
16 Bridge?

17 A Yes.

18 Q And how much are you paid at that  
19 position?

20 A Sixteen dollars per hour.

21 Q And how many hours do you work?

22 A Forty hours a week.

1 JUDGE MORAN: What do you do for them?

2 THE WITNESS: Everything. Run -- I  
3 actually run a road groomer on the dirt roads.  
4 Pull it behind a tractor like a -- you know, a  
5 grader will come through and really tear it up,  
6 and I come through with the tractor and you have  
7 to set the machine right to get the right arch in  
8 the road.

9 JUDGE MORAN: So heavy equipment  
10 operator?

11 THE WITNESS: Yes.

12 BY MS. O'REILLY:

13 Q And that's with the state of Kansas?

14 A Yes.

15 Q And so you were terminated on April 27th  
16 of 2023 and then you were off work from June 13th  
17 of 2023 to work for Schaeffler. Correct?

18 A Correct.

19 Q And then you worked at Schaeffler from  
20 June 13th to June 20th and you were not seeking  
21 back wages for that time period where you had a  
22 job. Correct?

1           A       No, I'm not.

2           Q       Then after that job, you were off work  
3 from June 21st to July 23rd. Correct?

4           A       Correct.

5           Q       And for that time period, I believe that  
6 adds up to 62 working days. Is that correct?

7           A       Yes.

8           Q       And does that exclude Memorial Day and  
9 4th of July and holidays?

10          A       Yes.

11          Q       And is this the time period for which  
12 you are seeking back wages in this case?

13          A       Yes.

14          Q       And are you seeking back wages at the  
15 rate of \$20 per hour that you made at American  
16 Tripoli?

17          A       Yes.

18          Q       And then did you calculate those back  
19 wages? I assume you would have worked eight hours  
20 each of those days?

21          A       Yes.

22          Q       And I believe that works out to \$9,920

1 in back wages. Is that correct?

2 A Yes.

3 Q Are you also seeking interest?

4 A Yes.

5 Q Did you incur any other expenses or  
6 suffer any other losses as a result of your  
7 termination?

8 A Yes.

9 Q And what are those?

10 A Personal losses. I had to sell a little  
11 flatbed trailer and I had to sell some expensive  
12 fishing gear I had.

13 Q Why did you have to do that?

14 A To pay my house insurance.

15 Q About how much money were you out doing  
16 that?

17 A Around \$1200.

18 Q Did you incur any expenses in your job  
19 search?

20 A Yes.

21 Q And what were those?

22 A Basically just gas money, driving to and

1 from interviews or employment places, Manpower,  
2 Penmac.

3 Q Could you explain driving to Manpower,  
4 Penmac? What are those places?

5 A They're hiring -- hiring companies to  
6 help you get jobs.

7 Q So you took efforts to meet with those  
8 companies to try to get a new job quickly?

9 A Yes. And I had to drive to the  
10 unemployment offices in Missouri and in Kansas.

11 Q And were those places far away from  
12 where you lived?

13 A Yes.

14 Q About how far away?

15 A About 35 to 40 miles one way each time.

16 Q About how many times did you have to  
17 make trips like that?

18 A I went to the unemployment office twice  
19 in Pittsburg, once over here, and then I went to  
20 like -- I went to Miami, Penmac, Manpower Joplin,  
21 so approximately six trips.

22 Q And you said once over here, were you

1 referring to Joplin?

2 A Joplin, yes, to the unemployment.

3 Q Do you have any estimate as to how much  
4 that cost you in gas?

5 A At least a few hundred dollars, a couple  
6 hundred dollars. Two, three hundred dollars for  
7 the fuel and time.

8 Q Are you seeking any other damages in  
9 this case?

10 A No.

11 Q Would you like your termination wiped  
12 away from your personnel file as far as damages in  
13 this case?

14 A Yes.

15 Q And would you also like to ensure that  
16 American Tripoli can only give a neutral reference  
17 about your time there?

18 A Yes.

19 Q Are you seeking reinstatement?

20 A No.

21 Q Is that because you have a good job now  
22 that you like?



1 A Yes.

2 Q Given the financial position that you  
3 were in after you were terminated, at some point  
4 in this process before you got your current job  
5 would you have considered going back to American  
6 Tripoli if the offer had been made?

7 A Yes.

8 Q But you undertook significant efforts to  
9 find a job after you were terminated so you never  
10 had to deal with that possibility?

11 A Yes.

12 Q And have you ever received an offer of  
13 reemployment from American Tripoli --

14 A No.

15 Q -- since you've been terminated?

16 A No. Sorry.

17 Q Did you feel unsafe working for American  
18 Tripoli?

19 A Yes.

20 Q Would you fear for your safety if you  
21 returned to working at American Tripoli?

22 A Yes.

1           Q     Do you fear -- do you feel like you  
2 would be treated fairly if you returned to  
3 American Tripoli?

4           A     No.

5           Q     Do you fear you would be discriminated  
6 against if you returned to American Tripoli?

7           A     Yes.

8           MS. O'REILLY: That's all I have for  
9 this witness.

10          JUDGE MORAN: Thank you. So we're going  
11 to break. Go off the record, and did you hear  
12 that, Ms. Blackerby?

13          COURT REPORTER: Yes, I did.

14          JUDGE MORAN: We'll take a ten-minute  
15 break. It's 2:43. We'll resume at 3:43. Okay?  
16 You said yes?

17          COURT REPORTER: Yes.

18          JUDGE MORAN: I'm sorry. I'm sorry.  
19 Ten minutes. 2:53. Am I looking at the wrong  
20 watch here? 2:53. What did I say, 3:53? Sorry  
21 about that.

22                   (Recess)

1 JUDGE MORAN: We're going to go on the  
2 record now. And, Mr. Tidaback, you ready to begin  
3 cross examining Mr. Baumann. Correct?

4 MR. TIDABACK: Yes, Your Honor.

5 JUDGE MORAN: Okay. Go ahead, sir.

6 CROSS-EXAMINATION

7 BY MR. TIDABACK:

8 Q So the Court has a better understanding  
9 of how a plant works, that way we have better  
10 understanding of your roles in that plant as well,  
11 can you explain how your normal day with visiting  
12 of the plant is.

13 A My way of showing it would be to get  
14 there. There was a certain way that all the  
15 machines had to be turned on, and then you had to  
16 let the system warm up and start maybe feeding the  
17 product through it to get the flow going. Once  
18 you got the flow going, then it started going into  
19 the finished product hopper, so it would go into  
20 the bags. There was a multiple, multiple step  
21 thing to be able to get the finished product start  
22 coming out.

1           Q     Do you agree that the admin building,  
2     which is John and the safety person, is a separate  
3     building from the mill but it's separate just by  
4     probably 20 feet?

5           A     Yes.

6           Q     Okay. And in the mill itself there is a  
7     first floor, a second floor, third floor and a  
8     fourth floor. You would agree?

9           A     Yes.

10          Q     Okay. So when -- when your position,  
11     the mill -- or the shift lead requests material to  
12     be brought in so that we can start putting it in  
13     the bag, you would make that request through Teams  
14     to contact the quarry operator to bring the  
15     material to the crusher. You agree with that?

16          A     Yes.

17          Q     Okay. So when they brought that  
18     material into the crusher room, as you mentioned  
19     earlier, the crusher pit, you would task an  
20     associate, say hey, I need you to go crush the  
21     material. Is that correct?

22          A     Yes.

1           Q     Okay. So that -- and after that  
2 material gets crushed, it goes to our storage  
3 tanks. Is that correct?

4           A     Yes.

5           Q     After the storage tanks, based on the  
6 production schedule, the -- the material is  
7 required to be sent through the system to be put  
8 in the bag. Is that correct?

9           A     Yes.

10          Q     Okay. So with that, how many people did  
11 we ever have in the quarry? Do you remember?

12          A     In the actual mill itself?

13          Q     The quarry.

14          A     When I first started I think there was  
15 two --

16          Q     Okay.

17          A     -- in the quarry.

18          Q     So it's normally, and see if you agree,  
19 there's only one person in the quarry. It's  
20 actually Max Drake. I don't know if you remember  
21 Max.

22          A     Yes.

1           Q     Okay. So in the quarry there was Max  
2     Drake. Did you know that Max Drake was a miners  
3     representative at one time?

4           A     No.

5           Q     Did you know that Randy Drake -- do you  
6     remember Randy Drake?

7           A     No, he wasn't there when I was there.

8           Q     Okay. He was also a miners  
9     representative.

10           MS. O'REILLY: Objection, argumentative.  
11     The questioning is testifying.

12           JUDGE MORAN: I'll overrule the  
13     objection. Go ahead.

14           BY MR. TIDABACK:

15           Q     So I'll strike that. I'm sorry. During  
16     your normal day process -- well, let me back a  
17     little more. Okay. If you would, look at Exhibit  
18     RI.

19           JUDGE MORAN: Respondent's Exhibit RI?

20           MR. TIDABACK: Yes, sir.

21           JUDGE MORAN: I'm going to have to get  
22     that in front of me. Are you going to be

1 referring to -- during your cross examination are  
2 you going to be looking at your exhibit, your  
3 intended exhibits or should I keep the Secretary's  
4 exhibits at hand as well?

5 MR. TIDABACK: It could be a mixture and  
6 I will make sure to designate.

7 JUDGE MORAN: Okay. So let me get ahold  
8 of that now. I'm going to be looking at the large  
9 binder you sent me for this.

10 MR. TIDABACK: Yes. Your Honor, they  
11 should all have the same exhibit numbers.

12 JUDGE MORAN: Markings?

13 MR. TIDABACK: Yes, Your Honor.

14 JUDGE MORAN: And did you say R and then  
15 the letter I, as in iota?

16 MR. TIDABACK: Iota, yes, Your Honor.

17 JUDGE MORAN: Iota, okay. What I want  
18 you do to in the future for each of those to help  
19 me, this is strictly to help me out, is you'll say  
20 I'm asking the Court to direct its attention now  
21 to Respondent's Exhibit RI, and then you'll say  
22 it's identified as a production lead duties, if

1 I'm correct, if I'm on the right page?

2 MR. TIDABACK: Yes, Your Honor. That's  
3 what we're referring to.

4 BY MR. TIDABACK:

5 Q So refer to the tag and then refer to  
6 the title of the page.

7 JUDGE MORAN: Just so I make sure I'm on  
8 the same page. Are we all on RI? Okay. Go  
9 ahead.

10 MR. TIDABACK: Production lead duties.

11 JUDGE MORAN: Yes.

12 BY MR. TIDABACK:

13 Q Okay. There, Mr. Baumann?

14 A Do what?

15 Q Are you on RI?

16 A Yes.

17 Q Do you remember this document during our  
18 -- sent to you during your initial interview  
19 process?

20 A No.

21 MS. O'REILLY: Objection, fails to lay a  
22 foundation for the statements that are being made



1 in the question.

2 JUDGE MORAN: He's asking if he  
3 remembers this document that's in front of him.

4 MS. O'REILLY: Right, but he's adding  
5 them in there about facts that aren't in evidence.  
6 I provided this to you during your --

7 JUDGE MORAN: Yes. You can't do that.  
8 So I sustain the objection, so just take it a step  
9 at a time. You asked him if he recalls this  
10 document. RI, do you recall that document, sir?

11 THE WITNESS: No.

12 JUDGE MORAN: You have not -- this is  
13 not -- you're not able to identify. Is that  
14 correct?

15 THE WITNESS: Yes. I do not identify  
16 it.

17 JUDGE MORAN: Okay.

18 MR. TIDABACK: Okay.

19 JUDGE MORAN: Now, let me just help you.  
20 Not in terms of winning the case or losing the  
21 case, but just this doesn't mean that this exhibit  
22 won't get in at some point. If you have a

1 witness, it might be yourself, I don't know.  
2 That's going to be awkward. It is awkward when  
3 the person who's acting as a pro se litigant is  
4 testifying. It's -- we can muddle our way through  
5 it, but my point is simply that you can still get  
6 this exhibit in if you're -- if your intention is  
7 to show what production lead duties are, and then  
8 I assume you want to tie that in with what Mr.  
9 Baumann has done. Is that correct? Because isn't  
10 that one of your contentions, that the job that he  
11 says he did were not really within his purview?

12 MR. TIDABACK: Correct, Your Honor.

13 JUDGE MORAN: Okay. Anyway, you run  
14 into a dead end at least at this point for  
15 production lead duties. You have not seen this  
16 before?

17 THE WITNESS: No, Your Honor.

18 JUDGE MORAN: Okay.

19 BY MR. TIDABACK:

20 Q So browsing through this document, do  
21 you agree that these duties, and I can explain  
22 more in it. Okay. So if we go in the middle of

1 the page, talks about control room back of  
2 assistance. Need to know that 90 days. Okay.  
3 And then underneath that, the next bullet says  
4 note production and production supply inventory  
5 and has the brackets around it, and it says the  
6 operations manager. That is for the person that  
7 is the backup to the shift lead.

8 JUDGE MORAN: See, you're testifying  
9 right now.

10 MR. TIDABACK: Oh, sorry. Okay.

11 JUDGE MORAN: You're asking him -- I  
12 assume what you're trying to ask him is looking  
13 over this exhibit does he recognize the items in  
14 this exhibit as being the duties of the production  
15 lead. Is that what you're trying to ask him?

16 MR. TIDABACK: Yes, Your Honor.

17 JUDGE MORAN: All right. Was your  
18 position production lead? Were you the production  
19 lead?

20 THE WITNESS: I was told I was hired to  
21 be the production supervisor, but tomatoes  
22 tomatoes, my opinion on that.

1 JUDGE MORAN: Okay. So my point is that  
2 whether we say production lead or production, what  
3 was the other term you just used?

4 THE WITNESS: Supervisor.

5 JUDGE MORAN: They're equivalent, lead  
6 or supervisor, synonymous terms.

7 THE WITNESS: Sure.

8 JUDGE MORAN: So looking over this  
9 exhibit, do you recognize this as being consistent  
10 with your responsibilities as the production  
11 supervisor or using the alternative term,  
12 production lead?

13 THE WITNESS: Some of it, yes. Your  
14 Honor, some of them no. I never got a training  
15 packet or any, you know what I mean, so.

16 JUDGE MORAN: So he identifies some of  
17 them, but he doesn't -- he doesn't concur that  
18 this isn't an accurate description because some of  
19 them he does not recognize as being part of his  
20 responsibilities.

21 MR. TIDABACK: Okay. Your Honor. If we  
22 could refer to Respondent's Exhibit RJ, which is

1 the supervisor versus lead worker document.

2 THE WITNESS: Okay.

3 JUDGE MORAN: This may be, again,  
4 something where, depending upon your questions and  
5 the answer, that this may come in through  
6 testimony from your own witnesses. I'm not -- you  
7 can ask him and then we'll see where we are.  
8 We'll see if you have an objection. As of right  
9 now, though, RI is not admitted.

10 MR. TIDABACK: Okay.

11 JUDGE MORAN: Now we're on RJ. Do you  
12 have a question for Mr. Baumann?

13 MR. TIDABACK: Yes, Your Honor.

14 BY MR. TIDABACK:

15 Q Have you seen this document?

16 A No.

17 Q Okay. In Teams, on all the files that  
18 we have access to, do you recall this document or  
19 the previous document being in those files?

20 A No.

21 Q Okay.

22 JUDGE MORAN: So let me just opine, Mr.

1 Tidaback, and I'm not trying to stymie you in this  
2 case, but what I'm doing is being open about my  
3 thoughts, and my initial reaction, subject to your  
4 witnesses and so forth is, let's assume that  
5 there's a difference between a supervisor and a  
6 lead worker and let's assume further that Mr.  
7 Baumann fits in one category but not the other.  
8 See, it may be unfair from your perspective. I  
9 hesitate -- I want to include from your  
10 perspective, but what I'm suggesting is I'm not  
11 sure that this would matter in terms of what I  
12 have to decide, in that -- that the real issues of  
13 what I talked about in the beginning, when I  
14 talked about the core elements of proving miner  
15 discrimination and so whether supervisor or lead  
16 worker, this individual, the complainant, could be  
17 all of these, either of these, none of these. But  
18 he would still be entitled to whatever he was  
19 doing for your company to lodge a complaint of  
20 discrimination and adverse action because of  
21 exercising his rights.

22 So my point is, he wouldn't necessarily

1 be -- he wouldn't be foreclosed from being -- from  
2 making a complaint if I said he wasn't a  
3 supervisor. No, he wasn't a lead worker. He  
4 could be anyone employed at the mine and still  
5 have the rights, and I had several cases where  
6 someone is not in any sense a supervisor. They're  
7 just a worker at the mine, operating some piece of  
8 machinery.

9 MR. TIDABACK: Okay.

10 JUDGE MORAN: So hopefully that --

11 MR. TIDABACK: That makes sense, Your  
12 Honor.

13 JUDGE MORAN: -- clarifies to you where  
14 I'm coming from, but if you think that if he was  
15 incorrectly describing his job duties, etcetera,  
16 it does not matter in terms of establishing a case  
17 of discrimination.

18 MR. TIDABACK: Right. And that's case  
19 in discrimination, when we talked about, it's part  
20 of the -- let me get to this part, Your Honor, and  
21 hopefully this is correct.

22 JUDGE MORAN: You're going to turn to

1 another one of your exhibits?

2 MR. TIDABACK: Yes, Your Honor.

3 JUDGE MORAN: Sure. That's fine.

4 BY MR. TIDABACK:

5 Q So under the first discovery request, if  
6 I remember correctly -- change things.

7 JUDGE MORAN: Let me just try and be a  
8 little more -- highlight the example. If we  
9 assume that Mr. Baumann's job was to push a broom  
10 and that's all, if he's discriminated against  
11 because he's asserting rights under the Mine Act,  
12 he's still protected no matter what his title is.  
13 Him for sure and anyone else is potentially  
14 covered.

15 MR. TIDABACK: Okay.

16 JUDGE MORAN: Now, you want me to look  
17 at some other exhibit?

18 MR. TIDABACK: I'm trying to find the  
19 response to the Secretary's request, and I do  
20 believe --

21 JUDGE MORAN: Okay.

22 MR. TIDABACK: -- that will put me off.



1 Let's see here. Yeah.

2 BY MR. TIDABACK:

3 Q During your time, Mr. Baumann, do you  
4 recall, as you mentioned in your testimony, there  
5 were phone calls that you and I had one-on-one,  
6 personal phone calls, and you had mentioned  
7 approximately ten of them, if I remember  
8 correctly?

9 MS. O'REILLY: Objection, that misstates  
10 his testimony.

11 JUDGE MORAN: You have to speak up with  
12 your objection. Your objection is what?

13 MS. O'REILLY: Misstates the testimony.

14 JUDGE MORAN: Well, he didn't -- he said  
15 if he remembers correctly, and the witness can say  
16 that no, the number -- the number of calls was  
17 what, and I don't know that the number of calls,  
18 if it's eight, nine or ten or seven or six, that  
19 it matters. There were calls, apparently, is that  
20 true, one-on-one calls that you had or maybe not.  
21 Did you have calls directly with Mr. Tidaback?

22 THE WITNESS: One or two, to my

1 knowledge, that I remember, just direct.

2 JUDGE MORAN: Okay.

3 THE WITNESS: And I always called him.

4 JUDGE MORAN: You never received a call  
5 from him initiated by him?

6 THE WITNESS: No, Your Honor.

7 JUDGE MORAN: Okay. All right.

8 THE WITNESS: Not to my recollection.

9 JUDGE MORAN: Okay. That's all we can  
10 ask for is what your best recollection is. Now  
11 you have a question about your communication with  
12 this witness. Go ahead, sir.

13 BY MR. TIDABACK:

14 Q Mr. Baumann, you mentioned that you had  
15 never made a call or I never made a call to you.  
16 Remember in the conversations while you were  
17 working in the mill having computer problems that  
18 I initiated a call with you?

19 JUDGE MORAN: Do you recall that?

20 THE WITNESS: No, I do not recall that.

21 BY MR. TIDABACK:

22 Q So in our one-on-one conversations, as

1 the judge pointed out earlier, during those calls  
2 we talked about performance, we talked about  
3 production schedule, we talked about maintenance  
4 issues. Do you remember any of that?

5 A No. I always messaged on Teams about --  
6 if it had computer problems or something, I would  
7 use my personal phone to message on the Teams. I  
8 do not recall any personal calls.

9 Q So in Teams -- or in your control room  
10 office area there was never a headset in there  
11 that you could actually make phone calls from?

12 A No.

13 Q Okay. With those phone calls, when we  
14 made the initial -- the initial phone call that we  
15 had, if you remember correctly, was how to -- how  
16 to properly input or how to gain access to the  
17 daily production spreadsheet. Do you remember  
18 that?

19 A No. Christine showed me everything.  
20 Christine and Terry at the time showed me how to  
21 do the stuff through the computer on the  
22 production.

1 JUDGE MORAN: How to input production?

2 THE WITNESS: How to input production  
3 information. Yes.

4 BY MR. TIDABACK:

5 Q So your -- so your statement is you  
6 don't recall any of the calls that I made, or that  
7 we had about performance, about production, about  
8 the numbers not getting correctly, about the  
9 personnel not showing up on time, personnel  
10 leaving early or going to day shift. None of  
11 those conversations ever happened?

12 A No. They were all on Teams about me  
13 going to days, and if I had computer problems I  
14 always messaged on Teams.

15 Q Okay. So during those phone calls, what  
16 time would it have been that those calls would  
17 have been made?

18 JUDGE MORAN: You know, first of all,  
19 he's denied that the phone calls were made by you  
20 on the subjects that you identified, so he can't  
21 very well tell you the times the calls were made  
22 since he denies that they were made.

1 BY MR. TIDABACK:

2 Q When you were first starting, Mr.  
3 Baumann, what shift did you work, what time of  
4 day?

5 A 8:00 a.m. to 4:30 p.m.

6 Q Okay. That is correct. So during that  
7 first two to three months you were in training  
8 with Mr. Huber. Is that correct?

9 A Yes. That's what -- yeah. We never got  
10 a training packet or anything like that, but yeah,  
11 Jim showed me how to run the mill.

12 Q Okay. Jim being Mr. Huber, which is the  
13 only person that had more experience than myself  
14 opening the business. Is that correct?

15 MS. O'REILLY: Objection, he's trying to  
16 testify.

17 JUDGE MORAN: You're crossing a line  
18 between asking a question and testifying when you  
19 say that he's the only person that had more  
20 experience than you did, okay? If I'm  
21 characterizing what you just said correctly.

22 MR. TIDABACK: Sorry.

1 JUDGE MORAN: What you have to focus on  
2 here is not layering in your opinion about  
3 something. What you kind of tap is what Mr.  
4 Baumann knows and recalls in his interactions,  
5 first of all, with you. He says virtually none  
6 that he can recall. Okay. That's his testimony.  
7 But what you're tapping into is his memory of his  
8 experiences of working at American Tripoli. So  
9 you have to sort of stay away -- not sort of, you  
10 have to stay away from when you add in additional  
11 information which has sort of overtones of  
12 testimony. Saying one person had more experience  
13 than another in your question. You see? You can  
14 ask him who had more experience if he knows about  
15 a particular individual, but you can't build that  
16 into your question. Remember, you're tapping his  
17 memory about his experience at American Tripoli.

18 MR. TIDABACK: Okay. Yeah. Thanks,  
19 Your Honor. Okay.

20 JUDGE MORAN: This is tough. I agree.  
21 It's a tough situation you're not an attorney.

22 MR. TIDABACK: I'm trying to decide or

1     trying to figure out the questions that I had, if  
2     they're actually questions or if actually  
3     testimony.

4             JUDGE MORAN:   Right.   I'm sure that Ms.  
5     O'Reilly will let you know.

6             MR. TIDABACK:   Thank you, yes.

7             BY MR. TIDABACK:

8             Q     Okay.   And I don't mean to -- okay.   So  
9     in your Complaint you stated you oversee  
10    employees.

11            MR. TIDABACK:   No, sorry, Your Honor.  
12    Trying to get to the point where it's about --

13            JUDGE MORAN:   You can break it down.  
14    You could say, Mr. Baumann, is it your testimony  
15    that you oversaw employees?   He will answer that.  
16    You can ask that, because that's a question.  
17    You're not asserting it.   So if you want to ask  
18    him a question or the oversaw employees, you may  
19    do so.

20            BY MR. TIDABACK:

21            Q     Okay.   Did you -- did you, Mr. Baumann,  
22    read the employee handbook?

1           A       No.

2           Q       Okay.

3           A       I didn't get one on that. Teams or  
4 whatever. Never got it. Never got showed any of  
5 that stuff.

6           Q       And how many months did you work at  
7 American Tripoli?

8           A       Ten.

9           Q       So in those ten months, myself -- sorry.  
10 Okay.

11                   JUDGE MORAN: Well, he's given you a  
12 flat answer. He never looked at the employee  
13 handbook. Is that what you called it?

14                   MR. TIDABACK: Yes, sir. Yes, sir.

15                   JUDGE MORAN: He said no, and then he  
16 amplified the answer which is appropriate to give  
17 a full answer, that nor was it -- was it handed to  
18 him to look over. Is that your testimony, you  
19 were not presented with that to look it over and  
20 study it?

21                   THE WITNESS: No, Your Honor. I mean,  
22 yes, Your Honor. This is our handbook, this is



1 our employee handbook. I was never given that.

2 JUDGE MORAN: Okay.

3 BY MR. TIDABACK:

4 Q Okay. You were never given the location  
5 since our employee handbook -- since our employee  
6 handbook is on the internet on our home page, did  
7 you ever review our home page?

8 MS. O'REILLY: Objection, again,  
9 argumentative and testifying --

10 JUDGE MORAN: Yes. I have to sustain --  
11 I have to sustain the objection. But you can  
12 frame it in a different way. You can just say,  
13 Mr. Baumann, did you ever on the internet see the  
14 employee handbook? And the answer is?

15 THE WITNESS: No.

16 JUDGE MORAN: Were you ever directed to  
17 go to the internet and take a look at the employee  
18 handbook?

19 THE WITNESS: No.

20 JUDGE MORAN: Was it ever called to your  
21 attention that there was an employee handbook that  
22 you could see in various locations?

1 THE WITNESS: Yes. It was brought to my  
2 attention that the employee handbook was on the  
3 website.

4 JUDGE MORAN: Okay. And you didn't take  
5 it on your own to then review that?

6 THE WITNESS: No, Your Honor, I did not.

7 JUDGE MORAN: Were you asked to review  
8 it?

9 THE WITNESS: No, Your Honor, I wasn't.

10 JUDGE MORAN: Okay.

11 BY MR. TIDABACK:

12 Q And if I understand correctly, you don't  
13 recall the files that were, all the training files  
14 which include -- were available to you on Teams?

15 A No. When I first got hired they told  
16 about a booklet, pamphlet, you know, like a step  
17 by step, and I never received it. They were going  
18 to -- a train pamphlet, training booklet, and I  
19 never got one.

20 Q Who is they?

21 A Christine Schreiber.

22 Q Do we have any paper booklets at all?

1           A       You didn't -- she said that she was  
2       going to have a make a training, a training -- or  
3       training, whatever you call them, sorry, Your  
4       Honor. I'm not real technical, but they were  
5       supposed to make training, and then I'd go and get  
6       in a week and then train, and then --

7           COURT REPORTER: I'm sorry. It's  
8       jumbled. I'm not hearing him. It's not picking  
9       you up. It's all jumbled.

10          JUDGE MORAN: Okay. I appreciate your  
11       speaking up. That's important. I have told you  
12       that before, but it's appreciated, so continue to  
13       do that anytime you're breaking up or someone is  
14       speaking insufficiently loud. Okay?

15          COURT REPORTER: I will do that.

16          JUDGE MORAN: What did she -- I didn't  
17       hear her response. She said yes?

18          COURT REPORTER: Yes, I will do that.

19          JUDGE MORAN: Okay. Go ahead.

20          BY MR. TIDABACK:

21          Q       In the ten months that you worked there  
22       did you ever bring it forward that you didn't read

1 the employee handbook?

2 A No.

3 Q That you didn't have access to it. Did,  
4 in those ten months, did you ever attempt to read  
5 or request that employee handbook or operations  
6 book, any of the training materials?

7 A No.

8 Q If there was no training documents  
9 provided to you, how did you learn your job?

10 A Jim just showed me how to start the mill  
11 up.

12 Q Okay. So after Jim, if Jim was out, how  
13 did you start the mill up?

14 A I did it myself by memory.

15 Q How many steps are in the startup  
16 checklist?

17 A I don't recall off the top of my head.  
18 We made a paper startup list --

19 Q Okay.

20 A -- while Christine was there, but I was  
21 part of making that.

22 Q Okay.

1 JUDGE MORAN: Okay.

2 BY MR. TIDABACK:

3 Q So in that employee -- you knew  
4 Christine Schreiber before American Tripoli.  
5 Correct?

6 A Yes. She was the boss at Schreibers.

7 Q So she was your boss at Schreibers, and  
8 then she was your supervisor at American Tripoli?

9 A Yes.

10 Q Okay. How often did you receive  
11 feedback on your performance from Christine?

12 A She come over every day at the end of  
13 the day.

14 Q Okay. So every day. So that would be  
15 an example of an instance where you were given  
16 advice or guidance?

17 A She just asked how things went.

18 Q Did you respond to feedback or  
19 instructions given?

20 A She never gave me any instructions or  
21 feedback. She asked me how things were going or  
22 how the day went and if I'd learned some stuff,

1 and I'd say, yeah, and she'd say, doing great.

2 Keep it up.

3 Q Were there any negative feedback given  
4 to you?

5 A No.

6 Q Were there instances that she brought  
7 forward or anyone else brought forward that you  
8 were not meeting your job expectations?

9 A No.

10 Q Okay. And you had interactions with Mr.  
11 Spears, your immediate supervisor. Correct?

12 A Yes.

13 Q Okay. Can you describe the nature of  
14 those interactions?

15 A Wow. They have been -- I mean, he was  
16 over there all the time, so no.

17 Q Was he there to assist you?

18 A He would try and help if he could. He  
19 was usually working on stuff separately.

20 Q Like, for example?

21 A He was trying to fix something, or would  
22 be -- he would just walk through the mill, you

1 know. He was really good about helping us grease  
2 things and stuff like that.

3 Q Okay. So if -- if I'm understanding  
4 correctly, if you were absent that day, Mr. Spears  
5 would take your place. Is that correct?

6 A No. Jim would start the mill if I  
7 wasn't able to be there.

8 Q Okay. So if -- right. If Jim was not  
9 there, who would start the mill?

10 A I would.

11 Q Okay. If Jim wasn't there and you  
12 weren't there, who would start the mill?

13 A I don't think it ever started without us  
14 being there.

15 Q So you've never seen Mr. Spears start  
16 the mill?

17 A No.

18 Q Even using that checklist that you  
19 helped provide?

20 A I've seen him try to start the mill, but  
21 he never could. I never seen him go through each  
22 step and get the mill to run.

1           Q     So this checklist that you're  
2     referencing, it shows every step by step to  
3     completely start the mill.  Correct?

4           A     Yes.

5           Q     Okay.  So would there be any reason why  
6     you would think that Mr. Spears couldn't start the  
7     mill if he followed the checklist?

8                   MS. O'REILLY:  Objection, misstates  
9     testimony.

10                   JUDGE MORAN:  I sustain the objection.  
11     That's something it's unanswerable on his part as  
12     to what was in the mind of Mr. Spears as to why he  
13     might not be able to start up the mill.

14                   MR. TIDABACK:  Yes, sir.

15                   BY MR. TIDABACK:

16           Q     All right.  Okay.  Were there instances  
17     where disagreements with Christine or Mr. Spears  
18     which led to raised voices by yourself or  
19     confrontations by yourself?

20           A     Yeah.  I probably did raise my voice  
21     around John Spears more than once in frustration.

22           Q     So there are times where you were



1 yelling at your boss?

2 A Not directly. I was yelling about a  
3 situation to my boss. Not yelling at my boss.

4 Q And in these disagreements -- okay. In  
5 those times were there ever a time -- were there  
6 ever situations where your emotions took over and  
7 you got mad, yelled, cussed, stomped off in anger?

8 MS. O'REILLY: Objection, compound.

9 JUDGE MORAN: I'm going to allow the  
10 question.

11 THE WITNESS: Do what?

12 JUDGE MORAN: The question may be  
13 answered. He asked were there moments when you  
14 would yell, stomp off, have angry interaction with  
15 Mr. Spears. Is that your -- the gist of your  
16 question?

17 MR. TIDABACK: Yes, Your Honor.

18 THE WITNESS: Not towards Mr. Spears.  
19 Yes, there was times I raised my voice. I never,  
20 never stomped off, and always stayed hooked.

21 BY MR. TIDABACK:

22 Q Did you receive any feedback about your

1 behavior during these --

2 A No.

3 Q -- hostile? Has anybody ever said to  
4 you that you created a hostile environment by  
5 screaming, getting mad and stomping off?

6 A No.

7 JUDGE MORAN: So I'm sure this is  
8 obvious to the Secretary, but what Mr. Tidaback is  
9 attempting to show is this second aspect of the  
10 defense that how even if we assume for argument  
11 sake that protected activity occurred and an  
12 adverse action occurred, this is under the thrust,  
13 I think you would agree, of but we would have  
14 fired the fellow anyway because of his behavior,  
15 even though he's denied it here, about his  
16 interactions with Mr. Spears and perhaps with  
17 others. So that's -- I just wanted to point that  
18 out, and that's fine. That's fair ground for the  
19 second aspect of a defense that any Respondent may  
20 raise. Okay. Go ahead. Yes. I'm sorry, I just  
21 wanted to set that on the record, in my view  
22 that's what's going on. Your questions are

1 directed at -- to the second part of the defense  
2 to a discrimination complaint.

3 MR. TIDABACK: I'm impressed that you  
4 got that the little bit that I put out. Yes, you  
5 are correct, Your Honor.

6 JUDGE MORAN: Okay.

7 BY MR. TIDABACK:

8 Q So, Mr. Baumann, how do you respond to  
9 the allegations that your actions or demeanor  
10 negatively impacted the morale or efficiency of  
11 the team there?

12 MS. O'REILLY: Objection, this is  
13 assuming facts that are not in evidence and it's  
14 argumentative.

15 JUDGE MORAN: I sustain the objection.

16 BY MR. TIDABACK:

17 Q Would you agree that working at American  
18 Tripoli is like a professional sports team. We're  
19 not a family. Families have unconditional love  
20 for each other. Sports teams are expected to  
21 provide results. So, for example, just to lighten  
22 the mood a little bit, if the Kansas City Chiefs

1     were losing wouldn't they replace Patrick Mahomes?

2                   MS. O'REILLY:   Objection, calls for  
3     speculation, argumentative, not laying the  
4     foundation and he's testifying in the question.

5                   JUDGE MORAN:   I have to sustain it and  
6     not to try and be funny, but I don't know any  
7     families with unconditional love, but.

8                   MR. TIDABACK:   I agree with that.

9                   JUDGE MORAN:   Anyway, so make another  
10    attempt at your -- maybe not this question, okay.  
11    You know, you'll have your witnesses, I assume,  
12    who are going to say something to the effect that  
13    Mr. Baumann had issues in terms -- and getting  
14    along with others, following instructions,  
15    listening to counseling or not listening to  
16    counseling, that's all part of the second tier.  
17    So try again with something else.

18                   MR. TIDABACK:   Yes, Your Honor.

19                   BY MR. TIDABACK:

20           Q        Okay.  Do you agree that we have to all  
21    -- it takes more than -- as you stated in your  
22    testimony earlier, it takes more than one person

1 to operate the mill. Is that correct?

2 A Oh, yes.

3 Q Okay. So with that notion, it takes us  
4 to get things done, not one person?

5 A Yes.

6 Q So with that, if one person creates a  
7 hostile environment, is it not difficult to work  
8 in that environment?

9 A Yes.

10 Q Okay. So after the issue of the 104(b),  
11 you stated that you were involved with the  
12 inspection results. Is that your recollection?

13 A Yes.

14 Q Did you ever attend a preinspection  
15 brief?

16 A Yes.

17 Q Do you have dates or any proof of that?

18 A I don't, but it would be in the -- they  
19 would -- the MSHA inspector would have put that I  
20 attended.

21 Q Okay. And what --

22 A Because I went over in the admin

1 building before they done their -- did their  
2 walk-through.

3 Q And if no MSHA reports show that, how  
4 would you -- how would you respond to that?

5 A There's proof that I was with the MSHA  
6 inspectors every time, so.

7 Q Did you attend any debrief?

8 A Yes.

9 Q Debriefings? And those reports would be  
10 the same?

11 A Yes.

12 Q Okay. Earlier you had mentioned when  
13 you asked about the pay regarding the 104(b)  
14 withdraw earlier, were you involved in any of the  
15 MSHA inspectors e-mails regarding that 104 pay?  
16 Were you included in the e-mails from Jesse Molesi  
17 asking Inspector Markeson about those -- about the  
18 requirements for the pay? Were you involved in  
19 that?

20 A No.

21 Q Okay. So you don't know that Jesse sent  
22 Mr. Markeson an e-mail, probably right after you

1 had -- sorry. You don't know that Jesse sent an  
2 e-mail?

3 A No.

4 Q Do you know that I sent an e-mail to Mr.  
5 Markeson?

6 A No.

7 Q Okay. And I think you testified  
8 earlier, the second shift, when you got finished  
9 with your two to three months training with Jim  
10 you went into the evening shift and that was a  
11 4:00 p.m. to midnight shift. Correct?

12 A Yes.

13 Q So during that time when you were  
14 actually working the evening shift or anytime that  
15 you were working, okay, who input their hours for  
16 the mill associates?

17 A Me.

18 Q Okay. If there was any overtime,  
19 wouldn't you have recorded that as well?

20 A When I recorded the hours they have to  
21 be approved at the end of the week or whatever,  
22 and if I say I call Christine, hey, we're going to

1 be here until, you know, 12:30 or 1 o'clock, she  
2 would be, well, we can't have -- we can't record  
3 overtime. So I was told to input the eight hours,  
4 unless we were late.

5 Q So were you ever involved with any of  
6 the budgeting discussions?

7 A Nope.

8 Q But you were told that if any overtime  
9 was going to be needed, it would need to be  
10 pre-approved and --

11 A Yes.

12 Q And all you had -- and how would you do  
13 that? How would you request overtime?

14 A I would ask or if something was running  
15 late, I'd either go to John or Christine.

16 Q What were the reasons why you were  
17 changed from the evening shift to the day shift?

18 A We were catching up and running out of  
19 room on the bulk bags that me and R.J. were  
20 running, and it was being too hard on the machines  
21 running them that long at once --

22 Q Okay.



1           A       -- is what I got told.

2           Q       Okay. So who was the shift lead during  
3 the day shift if you were the shift lead at night  
4 shift?

5           A       At that time, I don't remember. I  
6 believe it would have been Will Shallenberger.  
7 Yeah.

8           Q       Do you remember what happened to Will  
9 Shallenberger?

10          A       He ended up quitting.

11          Q       Mr. Shallenberger quit. Okay. At that  
12 time when Mr. Shallenberger quit, how many people  
13 were working night shift?

14          A       Me and R.J.

15          Q       Two people?

16          A       Yeah.

17          Q       Before you were moved to night shift was  
18 there discussions with you to make sure it didn't  
19 affect you or R.J.?

20          A       Yes.

21                 JUDGE MORAN: Getting all of this, Madam  
22 Court Reporter?

1 COURT REPORTER: I believe so. I didn't  
2 know if there was a question I just missed then or  
3 not.

4 JUDGE MORAN: No, we had a pause so I  
5 thought it was a good time for me to check with  
6 you.

7 COURT REPORTER: We're good.

8 JUDGE MORAN: Thank you.

9 BY MR. TIDABACK:

10 Q In your testimony, Mr. Baumann, you had  
11 stated that you had received no additional  
12 training?

13 A No.

14 Q Okay. Did you receive the initial  
15 miners, or excuse me, the miner, the new miner  
16 initial training? Did you receive that?

17 A No. Not the full -- I didn't realize  
18 that it was supposed to be 24 hours or whatever,  
19 until months into my employment, until the lady  
20 came and did the refresher course.

21 Q All right. And you signed this  
22 certificate. Correct?

1           A       Yes.

2           Q       Box 6, let's see here. If we look at  
3 Box 6 of that certificate.

4           MR. TIDABACK: Sorry, Your Honor.  
5 Respondent's Exhibit RL.

6           JUDGE MORAN: RL.

7           MR. TIDABACK: R, Romeo Lima.

8           JUDGE MORAN: Yes. I remember this  
9 exhibit. At least it looks like it's the one that  
10 the Secretary admitted. I can't tell you what  
11 number it is now.

12          MS. O'REILLY: It's P40 in the  
13 Secretary's.

14          JUDGE MORAN: P four oh.

15          THE WITNESS: This is the refresher.  
16 This is not the original one I looked at earlier.

17          BY MR. TIDABACK:

18          Q       Oh, I'm sorry. This would be RL. The  
19 RL is the new miner training? Okay.

20          A       Okay, yes. The RL is the first one,  
21 yes.

22          Q       Okay. So upon signing this, did you

1 read Box 6?

2 A No.

3 Q Do you understand Box 6?

4 A Yes. I do now, yeah.

5 Q Okay. Did you ever receive annual  
6 refresher training?

7 A Yes.

8 MR. TIDABACK: Okay. Your Honor, that  
9 should be Respondent Exhibit RM.

10 JUDGE MORAN: Before we move on, this  
11 would be -- although it's a duplicate, are you --  
12 do you want RL admitted or were you satisfied with  
13 the Secretary?

14 MR. TIDABACK: Satisfied with.

15 JUDGE MORAN: So then just make sure  
16 we're clear on the record. At this point you have  
17 no exhibits, I'm not saying that as a criticism,  
18 you have no exhibits independent of what the  
19 Secretary admitted, the many documents. You have  
20 none in the record at this point in time.  
21 Correct?

22 MR. TIDABACK: Correct.

1 JUDGE MORAN: Okay. Did I state that  
2 too confusingly? You have not -- I have no record  
3 of you introducing any exhibits in this  
4 proceeding. The only exhibits that have been  
5 admitted are the Secretary's at this point in  
6 time.

7 MR. TIDABACK: So does that matter,  
8 since it's the same information that the --

9 JUDGE MORAN: No, it doesn't matter.  
10 You've referenced -- you've referenced, the  
11 problem is you've described it as RL, and then it  
12 might be confusing since there is no RL in the  
13 record to identify what RL was talking about,  
14 except by your word, so --

15 MR. TIDABACK: That makes sense. I  
16 gotcha.

17 JUDGE MORAN: So it might be safer, if  
18 you think it's important and I would certainly  
19 admit it, to have RL admitted as a Respondent's  
20 exhibit. I mean, the thrust of this is, let's be  
21 plain here, that you're saying that Mr. Baumann  
22 should not have signed this because it was untrue

1     that he received these aspects.   Right?

2                 MR. TIDABACK:   As far as the company is  
3     concerned, he signed it, he received the training.

4                 JUDGE MORAN:   Right.   However, also  
5     involved in this is another person.

6                 MR. TIDABACK:   Bonnie Bainter.   She was  
7     a safety person.

8                 JUDGE MORAN:   Well, it says the person  
9     who signed -- it says yes, I certified that the  
10    above training has been completed, and you  
11    recognize that signature?

12                MR. TIDABACK:   That's Bonnie Bainter.  
13    Yes.

14                JUDGE MORAN:   So in that sense, that  
15    person is in hot water, too, if we follow your  
16    theory that Mr. Baumann is in hot water because he  
17    signed this document, but the -- but the thrust of  
18    this is that the training has been completed  
19    according to Ms. Bainter?

20                MR. TIDABACK:   Bainter, yes.  
21    B-a-i-n-t-e-r.

22                JUDGE MORAN:   Seems like that's more on

1 her or at least equally on her as it is on Mr.  
2 Baumann.

3 MR. TIDABACK: Correct. My only thing  
4 is just make sure that Mr. Baumann got the  
5 training because that's really my concern.

6 JUDGE MORAN: He's already said he  
7 really didn't get the training, although this form  
8 would indicate that he did receive some of the  
9 training. But I'm saying that there's a problem  
10 here with at least two -- with potentially two  
11 people. And by the way, help me out with this one  
12 side or the -- sorry, is this the date on RL? Is  
13 it on there? There's a signature.

14 THE WITNESS: Yeah, I don't see -- I  
15 don't see it.

16 MS. O'REILLY: I would suggest that RL  
17 appears to be missing some of the information.  
18 340 seems to be a more complete record of this.  
19 They are not identical.

20 JUDGE MORAN: In the sense that one is  
21 cut off, apparently.

22 MS. O'REILLY: Correct.

1 JUDGE MORAN: We want to make this as  
2 confusion free as possible. So this is putting an  
3 imposition on the Secretary. It's not really your  
4 burden, but to the extent that Mr. Tidaback, if  
5 he's introducing an exhibit as his own, that's one  
6 thing, but if not and he wants to reference it,  
7 then we need to have on the record which of the  
8 Secretary's exhibits he's referring to. So you  
9 have a choice. You can elect to defer to the  
10 Secretary's exhibit in a given question, or you  
11 can say that you want to have RL admitted  
12 independent of what the Secretary has admitted,  
13 had admitted already. So that's your choice.

14 MR. TIDABACK: Yes, Your Honor.

15 JUDGE MORAN: Let's talk about this one.

16 MR. TIDABACK: On this one I refer to  
17 the Secretary's.

18 JUDGE MORAN: That's P40.

19 MR. TIDABACK: Yes, Your Honor.

20 JUDGE MORAN: The question is we still  
21 have no exhibits admitted. That's not a  
22 criticism. That's just stating a fact.



1 MR. TIDABACK: Yes, sir.

2 JUDGE MORAN: All right.

3 BY MR. TIDABACK:

4 Q So the second question on the training  
5 side is you've received your annual training as  
6 well. That is exhibit -- different book --

7 A RM.

8 MR. TIDABACK: I've got to show the  
9 Secretary.

10 JUDGE MORAN: Let me just -- this is in  
11 the role of trying to help.

12 MS. O'REILLY: We do not have that  
13 exhibit.

14 MR. TIDABACK: I'm sorry.

15 JUDGE MORAN: Trying to help out where  
16 you're going with this. See, Mr. Tidaback, the  
17 date is kind of important for P40. The date to me  
18 is important because this is the -- this is the  
19 initial training.

20 MR. TIDABACK: Yes, Your Honor.

21 JUDGE MORAN: And so if you're  
22 contending that this is a reason why you decided

1 to discharge Mr. Baumann, because he was  
2 untruthful about -- that's not what you're doing?

3 MR. TIDABACK: No, sir. Not at all.  
4 I'm just making sure that Mr. Baumann says since  
5 in his testimony he didn't get training and we  
6 provided a lot of training, why did you not get  
7 the training. That's what I'm trying to figure  
8 out, because all the training that is provided is  
9 online. He had access to it. It's there. So  
10 this is the required MSHA training, so I want to  
11 make sure that the record shows that he received  
12 his required MSHA training and then anything  
13 additional training, since it was stated that he  
14 hadn't received any, is all available to him 24  
15 hours a day, seven days a week. And he had been  
16 -- he had been counseled on it. So that's what --

17 JUDGE MORAN: That's your contention,  
18 that he'd been counseled about it?

19 MR. TIDABACK: Yes.

20 JUDGE MORAN: So what I'm trying to  
21 figure out is this. How does this fit into the  
22 complainant's issue, the Secretary's contention

1 that Mr. Baumann engaged in protected activity and  
2 was adversely impacted by it? That's not what  
3 this is about. This doesn't also appear to be in  
4 terms of the affirmative defense that we would  
5 have fired. You said just now no. This is not a  
6 reason for your having discharged Mr. Baumann  
7 because of this P40. You're not saying that's --

8 MR. TIDABACK: Not at all, Your Honor.

9 JUDGE MORAN: So what is the point  
10 behind P40?

11 MR. TIDABACK: It leads up that he was  
12 not following the guidance of the supervisors  
13 giving him guidance to learn your job more, learn  
14 about MSHA, learn about the machines, learn about  
15 safety. All the training that is in the book so  
16 that he could eventually progress to be a manager,  
17 a supervisor, because that's what we had talked  
18 about. That is my contention of I didn't receive  
19 anything. Yeah, you did.

20 JUDGE MORAN: But you'll have to bring  
21 that on through your own witnesses.

22 MR. TIDABACK: Right.

1 JUDGE MORAN: I assume you have  
2 witnesses you're going to call. We'll talk about  
3 -- about the training that Mr. Baumann received --

4 MR. TIDABACK: Right.

5 JUDGE MORAN: -- and any deficiencies  
6 they perceived upon having received that training.  
7 Is that right?

8 MR. TIDABACK: Correct. Even the  
9 documents that have been provided to the Secretary  
10 show that. So, yes, Your Honor.

11 JUDGE MORAN: Well, one problem I have  
12 is speaking loud here, again -- out loud here, I  
13 think my thought is at the time of -- it seems to  
14 me that at the time that you decide to discharge  
15 Mr. Baumann you would have, of necessity, had some  
16 sort of record established prior to discharging  
17 him as to the grounds for his discharge.

18 MR. TIDABACK: Correct.

19 JUDGE MORAN: I don't know of any  
20 exhibit thus far that identifies his deficiencies  
21 such as that would warrant your firing him,  
22 regardless of protected activity.

1           MR. TIDABACK: Correct. The other four  
2 shift leads, people that we had hired to replace  
3 Mr. Baumann, that is the proof that we're showing  
4 that it was talked about. It was discussed. We  
5 were trying to get someone in there. We even --  
6 even -- we even backed out of that step and hired  
7 someone to assist Mr. Baumann to hopefully help  
8 him become a better person and be able to stay in  
9 a job, but he wasn't willing to listen, and he  
10 wasn't taking guidance and he was argumentative in  
11 creating an environment with his own supervisor.

12           JUDGE MORAN: You're testifying again,  
13 but it seems to me to be a serious deficiency in  
14 your case. If you start talking about people that  
15 you hired after him, etcetera, what you have to  
16 establish is that the decision to fire him was  
17 justified in one way or another. Okay. You don't  
18 seem to be challenging that he engaged in -- I  
19 haven't heard yet anything that we've challenged  
20 he was engaged in protected activity and that an  
21 adverse action. We know an adverse action  
22 happened. He was fired, so -- but if you're going

1 to show the theory that he would have been fired  
2 in any event for his lack of adequate job  
3 performance, that would have had to have been  
4 detailed chapter and verse before you make the  
5 decision, it seems to me, and I know of no record  
6 that you have introduced to demonstrate that. If  
7 you're demonstrating it after the fact by people  
8 you hired after he's fired, that doesn't get you  
9 there.

10 MR. TIDABACK: The people we hired were  
11 actually before he was terminated, Your Honor.

12 JUDGE MORAN: Okay. Well, I have to  
13 wait for those witnesses to hear of deficiencies  
14 which you may hope that apart from his protected  
15 activity, apart from his adverse action, I haven't  
16 heard much to show me that he would have been  
17 fired, in any event.

18 MR. TIDABACK: Correct. And that's --  
19 the new hiring would be testimony, if I  
20 understand.

21 JUDGE MORAN: Right. So we'll hear from  
22 you about that or maybe through some other

1 witnesses. I don't know. I don't know whether  
2 your daughter can conduct the questioning or what.  
3 But so why don't you continue on and we'll see.  
4 I've diverted us too long now. Go ahead with your  
5 questions that you may have of Mr. Baumann still  
6 and we'll see if there are problems with that.  
7 But remember, your goal has to be to establish, we  
8 would have fired the guy anyway.

9 MR. TIDABACK: Correct.

10 JUDGE MORAN: It can be the other goal,  
11 too, but you have said nothing really about that.  
12 Protected activity, adverse action, I've heard  
13 nothing. Crickets as they say. I've heard  
14 crickets. You know what that means. Right?

15 MR. TIDABACK: Yes, sir.

16 JUDGE MORAN: Okay. Okay. Go ahead  
17 with your questions.

18 MR. TIDABACK: I'm try not to testify  
19 because I think that's --

20 JUDGE MORAN: After that long lecture.

21 BY MR. TIDABACK:

22 Q Okay. Let's see here. How would you

1 explain Microsoft Teams? Why do we use it?

2 A To keep track of the daily production.  
3 To keep track of inventory. To keep track of the  
4 orders. Pretty much everything in the business.

5 Q Okay. So on that, as you have  
6 mentioned, keeping track of the inventories.

7 A Uh-huh.

8 Q Were you ever counseled on not keeping  
9 inventories?

10 A I never got asked to count anything in  
11 that building unless it was to count an order to  
12 see if we had it to be shipped out.

13 Q Okay. So the court understands, explain  
14 how you get the materials to make the orders that  
15 you fulfill.

16 A I don't guess I understand.

17 Q What is involved in processing an order?

18 A In processing? That was all out of my  
19 hands. I got to the -- I pulled it up. I looked  
20 at the daily production, what we were needing to  
21 run. I could look to see what we were going to  
22 need to run next week, next month, what we had



1 ran. As far as me being in charge of making sure  
2 we had stuff to do it, I never had anything to do  
3 with any of that.

4 Q So it was never your responsibility as a  
5 shift lead to make sure that you have the tools or  
6 equipment or supplies to fulfill orders that you  
7 were tasked to fulfill?

8 A I never once got asked to count any bags  
9 or anything.

10 Q So how would you have fulfilled the  
11 bags?

12 A Before we'd always had people that  
13 counted it. I never once got asked to count  
14 anything, as far as to make sure that we had  
15 anything for orders, and sometimes we didn't have  
16 enough stuff for orders.

17 Q So in the normal daily process, do you  
18 agree that you need pallets, bags, slip sheets,  
19 stretch wrap?

20 A Yes. And then I would look and see how  
21 many pallets we needed and go out and get them,  
22 and see how many bags we needed and go out and get

1     them.  We -- that was a preparation while the  
2     system was warming up.

3           Q     Okay.  So in the break room, part of  
4     your daily startup checklist that you guys  
5     created, okay, there was two white boards on the  
6     board, on the wall.  Do you remember those?

7           A     Uh-huh.

8           Q     Okay.

9                   JUDGE MORAN:  You have to answer yes or  
10    no.

11                  THE WITNESS:  Yes.  Sorry.  Sorry.

12                  BY MR. TIDABACK:

13           Q     Do you remember the contents of those  
14    boards?

15           A     They would have what we needed to run  
16    that day, the number of pallets, the number of  
17    bags that we would need, etcetera.

18           Q     And who filled that board up?

19           A     John Spears.

20           Q     John?

21           A     He's the operations manager.

22           Q     But where was his office?  Where did he

1 work in?

2 A Admin building.

3 Q Where was the break room related to your  
4 office?

5 A In the middle.

6 Q In the middle. How far away from your  
7 office is the break room that had the board that  
8 you needed all today's operations?

9 A Ten feet.

10 Q Okay. So how -- okay. Let's see. How  
11 did you -- how -- okay. So you're stating that  
12 you went and got all the pallets, you went and got  
13 all of the bags. How did you get that  
14 information?

15 A From the spreadsheet on the computer.

16 Q Okay. So the daily production  
17 spreadsheet that you filled out at the end of your  
18 evening shift. Right?

19 A Uh-huh.

20 Q Okay. How did you get information off  
21 of that to run today's production if that  
22 spreadsheet is how you put information in at the

1 end of your shift?

2 A You can look and it's been so long ago  
3 now, there was places you could go in there and  
4 see what you were supposed to run the next day or  
5 the next week and stuff. Just like I explained.

6 JUDGE MORAN: Well, did you enter  
7 information ever on a white board that was in the  
8 break room? Were you ever filling that white  
9 board out?

10 THE WITNESS: No.

11 JUDGE MORAN: Never?

12 THE WITNESS: Never got asked to.

13 JUDGE MORAN: And your understanding as  
14 to what person put this information on the white  
15 board?

16 THE WITNESS: The operation, when it got  
17 filled out it was done by John. I'm going to say  
18 80 percent of my year there, there was nothing  
19 ever written on that.

20 JUDGE MORAN: Thank you.

21 BY MR. TIDABACK:

22 Q So do you agree that your -- some your

1 duties is testing out the miners to make sure that  
2 you get production done that day?

3 A Yes.

4 Q Do you agree that assigning and ensuring  
5 shutdown tasks are on the board every day?

6 A Yes. There was one mirror thing.

7 JUDGE MORAN: You have to let him finish  
8 his answer.

9 A There was one mirror thing that when  
10 there was eight people helping, yes, we would  
11 write their name, what they were tasked to do that  
12 day. It got down to the last couple months there  
13 was only like three or four of us, we all  
14 automatically knew what to do. We did not fill it  
15 out.

16 BY MR. TIDABACK:

17 Q Okay. So who filled that board out?

18 A They didn't. That part of the board  
19 didn't get filled out.

20 Q When -- when the names were put on the  
21 board, who filled the board out?

22 A When the names were on the board? They

1     were never changed.   It was always the same.

2           Q     Okay.

3           A     The same names and the same tasks.

4     Never changed while I was there.

5           Q     Okay.   So as part of your role as the  
6     shift lead, did you task and assign mill  
7     associates?

8           A     Yes.

9           Q     Okay.   Did you rotate the schedule?

10          A     Yes.

11          Q     Did you track their work hours, PTO?

12          A     Yes.

13          Q     And what did you use to do what?

14          A     Microsoft.

15          Q     Okay.   Microsoft Shifts.   Is that  
16     correct?

17          A     Yes.

18          Q     And Microsoft Shifts is an online app  
19     inside of Teams that you do it digitally, and it  
20     tracks who inputs data, who puts OT, that is all  
21     done.   Is that correct, Mr. Baumann?

22          A     Yes.

1           Q       We use Teams. What are Teams for?  
2       What's the reason you use them?

3           A       I have no idea. I guess it was the  
4       easiest thing to use at the time.

5           JUDGE MORAN: It's just a means of  
6       communicating between employees. Right?

7           THE WITNESS: Yes. We got to the point,  
8       though, it was hard, because we were using our  
9       personal phones in the mill, so I got -- I did  
10      have a habit. I would leave my phone in the  
11      office so it didn't get broke, because I was using  
12      my personal phone for the -- you know, trying to  
13      task things out. Putting the hours in, I put the  
14      hours in every day. They had to go to John to get  
15      approved and they had to go to them to get  
16      approved, so if they changed them after I put them  
17      in, I don't know. I never seen them again once I  
18      put them in.

19           BY MR. TIDABACK:

20          Q       How would you know the approval process  
21      that it goes to John or goes to --

22          A       Because if there was ever any questions,

1 John would ask me, so I knew that it went to him  
2 next.

3 Q So John -- John verified what your input  
4 was?

5 A Yes.

6 Q Is that correct? But how do you know  
7 that it came to us?

8 A John would tell me that he asked if  
9 there was somebody was needing PTO or if somebody  
10 was gone, or you know, because when you're trying  
11 to do a thousand things and you're trying to make  
12 sure some people are there or somebody leaves  
13 early, that you know, at the end of the week John  
14 would say, hey, are we sure these hours are right  
15 because before I send this to Russell.

16 Q Okay. So is it safe to say that you're  
17 speculating how it works because there was no  
18 process shown?

19 A No, I didn't. I couldn't tell by  
20 looking at it.

21 Q Would you agree that we used Microsoft  
22 Teams for collaboration? So everything -- because



1     you're not working side by side with someone every  
2     moment.    Correct?

3             A     Yeah.

4             Q     So Jim may be on the fourth floor.   You  
5     might be on the first floor.   R.J. may be working  
6     the bagger.   Is that correct?

7             A     Yes.

8             Q     And that's four stories?

9             A     Yes.

10            Q     You use that to communicate so that  
11    everybody knows what's going on, we know where  
12    everybody is?

13            A     We tried to, but yet again, we were  
14    using our phones.   So a lot of times the guys left  
15    their phones in the break room because they didn't  
16    want to get them broke or ruined by the material.

17            Q     Were there internet provided in the  
18    mill?

19            A     Yes.   When it was working.

20            Q     Okay.

21                   JUDGE MORAN:   So let me just interrupt  
22    for a second just for clarification of the record.

1 We often, during the days events, you have  
2 mentioned John and when you talk about John, you  
3 talk about John Spears?

4 THE WITNESS: Yes, Your Honor.

5 JUDGE MORAN: Just so the record is  
6 clear, are there any other persons with the first  
7 name John at --

8 THE WITNESS: No, Your Honor.

9 JUDGE MORAN: So we can be assured when  
10 there's a reference to John, we're talking about  
11 one person, Mr. Spears?

12 THE WITNESS: Yes, Your Honor.

13 JUDGE MORAN: Okay.

14 BY MR. TIDABACK:

15 Q So and then also in your duties as a  
16 shift lead, as needed, would you remind the mill  
17 about PPE? -

18 A Yes.

19 Q What was the required PPE in the mill?

20 A PAPR mask, safety glasses, earplugs,  
21 hardhats.

22 Q Also safe to assume that you

1 collaborated with the environmental safety  
2 specialist, I think you mentioned Jesse Molesi  
3 earlier. Is that correct?

4 A Yes.

5 Q Okay. And also, part of those normal  
6 tasks, duties and responsibilities would be to  
7 follow all of MSHA and company guidelines. Is  
8 that correct?

9 A Yes.

10 Q Would you include housekeeping?

11 A Yes.

12 Q Guarding?

13 A Yes.

14 Q Wearing appropriate PPE? You agree with  
15 that?

16 A Yes.

17 Q I guess you mentioned earlier, correct  
18 me if I'm wrong, if Jim was out, you would do the  
19 startups. Is that correct?

20 A Yes.

21 Q Okay.

22 A Well, I did all the startups even while

1 Jim was there, yes.

2 Q If you needed more materials to create  
3 more product, how did you -- what did you do?

4 A I would call John to have Max bring us  
5 whatever we needed as far as from the pit.

6 Q Okay. So back to the production  
7 spreadsheet.

8 A Because Max didn't have Teams on his  
9 phone or whatever, so we had to --

10 Q Okay.

11 A -- communicate by phone with him.

12 Q There is the production spreadsheet.

13 And you remember the production spreadsheet.

14 Correct?

15 A Yes.

16 Q How did you get the daily requirements  
17 for the day from the daily production spreadsheet?

18 A We went by the production schedule.

19 Q Okay. Where is the production schedule?

20 A Without having a computer here, I can't  
21 get -- I couldn't walk you through it or tell you.

22 Q Okay. So you had to use the computer to

1 get to the production schedule that was provided  
2 to you?

3 A Yes.

4 Q Okay. Let's see here. Okay. So  
5 production schedule is provided online. Could you  
6 access the production schedule from your phone?

7 A I'm sure I probably could have from my  
8 phone, but I never did.

9 Q So basically you can access it anywhere  
10 in world?

11 A Yes.

12 Q So with the production schedule, the  
13 Teams daily production spreadsheet, you filled out  
14 both of those. Correct? You had to check one to  
15 get to the next one. Correct?

16 A What now?

17 Q The production schedule provided on the  
18 internet.

19 A Yes.

20 Q You make -- you got your numbers for  
21 that off of the production schedule?

22 A Yes.

1           Q     Okay. When the board was filled out,  
2     you posted them to the board so that people would  
3     know what we're doing. Correct?

4           A     Yes.

5           Q     Okay. At the end of your shift, let's  
6     back up another step. Once you put that  
7     information on the board and you tasked out the  
8     individuals to go get bags, R.J. go get bags, Jim,  
9     go get pallets. Is that correct?

10          A     Yes.

11          Q     After everything was ran, end of shift  
12     happens, we close out, we clean up and we go home.  
13     Before you go home, what was your last step for  
14     the day in reference to the production, daily  
15     production spreadsheet?

16          A     On the night shift I would always enter  
17     them. When we got moved to days the -- I don't  
18     even know what you was calling them, the  
19     production assistant or whatever, they would enter  
20     them. John would enter them because I was going  
21     in at 7:00 a.m. to start up early, so I would  
22     leave before the last number got put in, or you

1 know, before the last bag got ran, and then Jim  
2 was shutting the place down.

3 Q Okay. So what you're stating is you and  
4 John had worked out a scheduled shift and that you  
5 would come in an hour early and you left an hour  
6 early?

7 A Yes.

8 Q Okay. But still, to check the schedule,  
9 you had to check online and at the end of the day  
10 the daily production spreadsheet had to be filled  
11 out. Correct?

12 A Yes.

13 Q And why would that be filled out?

14 A To let us know what the numbers were for  
15 that day. How much of that order got ran and --

16 Q Does the production schedule spread or  
17 does the production daily production spreadsheet  
18 show what needs to be shipped out?

19 A Yes. You can look on there and see,  
20 yes.

21 Q So you're fairly familiar with Teams.  
22 Right?

1           A     Yeah, I learned it, yeah. I was  
2     learning it real well.

3           Q     And do you remember that Teams do teach  
4     -- do you remember the --

5           A     Without having it in front of me, no.

6           Q     Do you remember across the top of the  
7     teams?

8           A     Yes.

9           Q     And it said files?

10          A     Yes.

11          Q     Over across from that is or when you did  
12     your daily workplace exams, how did you get to the  
13     daily workplace exam?

14          A     Through one of the tabs.

15          Q     Okay. Correct. So one of the tabs on  
16     the Teams files, it would say workplace exam?

17          A     Yes.

18          Q     You had a control room exam. Correct?

19          A     Yeah. I can't remember exactly what it  
20     was called, but yes, I had my own.

21          Q     The forklift exam, so all that  
22     information was provided to you?



1 A Yes.

2 Q Okay. So you do remember that was tabs  
3 across the top and you remember the files?

4 A Yes.

5 Q Okay. So you remember that. So you  
6 just -- you had access to those files?

7 A Yes. To my knowledge, the safety, the  
8 daily safety check wasn't even introduced into the  
9 system, though, until December or whenever I  
10 started doing them because nobody knew we were  
11 supposed to or whatever.

12 Q I'm glad you brought that up. Okay. In  
13 your desk, in the left-hand side, and I know you  
14 and I had this conversation because that is the  
15 reason we went to -- sorry.

16 MS. O'REILLY: Objection.

17 JUDGE MORAN: I sustain the objection.

18 BY MR. TIDABACK:

19 Q Sorry. Do you remember in your desk on  
20 the left-hand side, top drawer, a stack full of  
21 papers that used to be old daily workplace exams?

22 A No.

1 Q You don't remember those at all?

2 A I honestly do not.

3 Q Do you remember our conversation in the  
4 control room about changing to digital so that we  
5 can -- actually, sorry. Do you remember that  
6 conversation?

7 A No. I didn't hear one thing about daily  
8 safety inspections until the MSHA inspector  
9 started asking for them. I never got trained. I  
10 never heard one -- not one word was ever said to  
11 me until it became an issue with MSHA.

12 Q So in your new miners training they  
13 didn't cover or annual MSHA training, they didn't  
14 cover guarding?

15 A At the refresher course, yes, they did,  
16 but that was to the point when we were finding out  
17 that we were against all the odds and stuff.

18 Q You were never referenced to review MSHA  
19 guarding?

20 A No.

21 Q Not in Teams, not in conversation?

22 A Nope.

1           Q       Okay. If we can look at Respondent's  
2       Exhibit P, which is the communications regarding  
3       MSHA guide to guarding.

4           JUDGE MORAN: Respondent's Exhibit P.

5           MR. TIDABACK: RP, Your Honor.

6           JUDGE MORAN: Yes. It Exhibit P. It's  
7       just one page. Right?

8           MR. TIDABACK: Yes, Your Honor, it is  
9       one page.

10          JUDGE MORAN: And it does -- I'm just  
11       reading. I'm not introducing it, but Exhibit RP,  
12       and this says, excuse me, it does say Russell.

13          MR. TIDABACK: And then paren, you, and  
14       then below that is a citation to MSHA guide to  
15       equipment guarding tips. This is dated 2-14-23.  
16       So that's near the end of Mr. Baumann's  
17       employment. Right?

18          MR. TIDABACK: Yes, Your Honor.

19          JUDGE MORAN: Right? I have that right,  
20       folks?

21          MR. TIDABACK: Yes, Your Honor.

22          MS. O'REILLY: Correct.

1 JUDGE MORAN: I mean, that's the kind of  
2 consistent -- if you're referencing this at that  
3 point in time, isn't that consistent with his  
4 testimony that there weren't issues about -- about  
5 guarding until after the MSHA inspectors started  
6 to say, hey, you've got to pay attention to this?

7 MR. TIDABACK: This was a refresher  
8 training, because if you look in the -- on the top  
9 it says ATMO, American Tripoli, Missouri  
10 maintenance group which Mr. Baumann admitted he  
11 was in that group during that time, and on 14 we  
12 got citations. Again, this is a reference to a  
13 refresher. Hey, guys, you need to read the MSHA  
14 guide instructions. That way -- we've already got  
15 the PDF. They can go download it themselves if  
16 they want to.

17 MS. O'REILLY: I would object that's  
18 testimony.

19 MR. TIDABACK: Oh, sorry.

20 JUDGE MORAN: It is testimony. But --  
21 and more fundamentally, testimony is kind of  
22 important because you can't testify at this point.

1 But I mean, are you telling me that prior to  
2 February 14th, 2023, that you're referencing that  
3 you mentioned this before that period? Because I  
4 don't see that. It just says, isn't this a --  
5 isn't RP a message from -- to the ATMO maintenance  
6 group which include, you have you, Don, Joe, plus  
7 three others, and then you just say without  
8 elaboration, you reference the MSHA guide to  
9 equipment guarding. I mean, there's nothing in  
10 this piece of paper that I see that indicates that  
11 this is something that's old hat, that was brought  
12 up prior to 2-14-23. Am I missing something?

13 MR. TIDABACK: So being a member of that  
14 chat group, and when somebody sends something to  
15 you, and I think Mr. Roman had deliberated on it  
16 earlier, if you wanted to chime on your device,  
17 wherever it may be, your computer to let you know  
18 that you have been tagged as it's called, you  
19 would put at that individual's name. That way you  
20 get a notification that you've been mentioned, as  
21 it's called. That way you know specifically that  
22 it's directed to me. If you don't put anybody's

1 name, it just highlights on your column of list  
2 that you have, that here's something new.

3           You have to go -- you have to take that,  
4 you have to go view it to take the newness off of  
5 it, or it will always show that you have new. So  
6 in this -- in this message here it was sent  
7 saying, hey, guys, we keep getting guarding  
8 citations because this is February 14th. We were  
9 getting MSHA inspection, I think it was that day,  
10 if I remember correctly. We got another MSHA  
11 inspection. You need to read this. You sent a  
12 link to MSHA just in case there's any new updates.  
13 That's why I sent it, but it's already in our  
14 files. They have access.

15           JUDGE MORAN: But is there any --  
16 there's nothing in -- I don't want to belabor this  
17 forever, but there's nothing in exhibit --  
18 potential Exhibit RP that tells me something about  
19 the issue of guarding was mentioned by anybody  
20 before February 14th, 2023, is there? Is there  
21 anything that this tells me occurred before  
22 2-14-23 on this paper right here?

1 MR. TIDABACK: You're just asking about  
2 prior to this date, is there any communications?

3 JUDGE MORAN: That's right. This is the  
4 first time seeing about Russell Tidaback, you,  
5 referencing citing to the MSHA equipment guide.  
6 There's nothing earlier than that. Right?

7 MR. TIDABACK: There's no -- there's no,  
8 other than the MSHA, the same book being in our  
9 files and receiving training from MSHA, the  
10 required training, I'm assuming that's what you're  
11 referencing, Your Honor?

12 JUDGE MORAN: Right. What you've done  
13 is confirm that -- I mean, you've asserted it in  
14 this information about guarding, which is not on  
15 this exhibit, existed in other locations such as  
16 in the files or whatever. I have to say, though,  
17 Mr. Tidaback, and with respect due to you, that  
18 it's kind of cryptic. I mean, I'm part of the  
19 ATMO maintenance group and I get this message from  
20 you, and not exactly elaborate about what -- what  
21 this means. I would have expected you to say  
22 something such as dear ATMO group, you are

1 instructed forthwith to read all of the  
2 information in this site, MSHA guide. You should  
3 go to it immediately and take it to heart.

4 MR. TIDABACK: That is the intent behind  
5 this message.

6 JUDGE MORAN: It's awfully brief. You  
7 just drop a note. I mean, you just drop a  
8 citation without any -- I would think you're the  
9 owner. Right?

10 MR. TIDABACK: Yes.

11 JUDGE MORAN: Okay. I knew that, but I  
12 meant, if I were the owner, wouldn't I be saying,  
13 hey, we're having problem with -- problems with  
14 guarding. You-all need to be looking at this, so  
15 that's point one, that your messages is terse  
16 wouldn't describe it. It's less than terse. It  
17 just says a site, and they have to then figure  
18 out, oh, we better look at this and study it.

19 But the second point is, you have not up  
20 to this point shown me that you've instructed  
21 people about the important of guarding prior to  
22 2-14-23. There's nothing in the record that says



1     you've told people about this before.

2                 MR. TIDABACK:   Yes.   Your Honor, RP, as  
3     a remainder after we got the citation.   So that's  
4     a limited group people.

5                 JUDGE MORAN:   Right, but that's my point  
6     is that after up got the citation, which was not  
7     long before Mr. Baumann is terminated.

8                 MR. TIDABACK:   Correct.

9                 JUDGE MORAN:   Yeah.   You take some  
10    action because you told me that you got some  
11    citations, but you don't have anything -- if your  
12    intention is to say this is another example of Mr.  
13    Baumann not doing his job, doesn't really help me  
14    very much to highlight this after citations are  
15    issued and after you tell people to look at the  
16    guarding when you haven't -- this has not been  
17    discussed before.   For example, let's say that the  
18    three times in 2022 you said, hey, Mr. Baumann, I  
19    want you to pay attention to guarding, and then  
20    you give me dates through your Microsoft chat or  
21    whatever, Teams.   You don't have that.   The first  
22    time you have mention about this is in the wake of

1 getting some citations from MSHA, so I find it  
2 difficult for you, if you're attempting to put the  
3 blame on Mr. Baumann on the issue of guarding,  
4 that the first time on this record that this shows  
5 up is after you got the citations from MSHA. And  
6 apparently, you're suggesting that would be on  
7 him, not doing his job properly because you had  
8 guarding citations.

9 MR. TIDABACK: Correct, because in the  
10 manual refresher training, guarding is -- guarding  
11 is one of those. It is also referenced numerous  
12 times, and it is also referenced in your daily  
13 workplace exams. If Mr. Baumann is doing the  
14 daily workplace exam and says they are good, why  
15 are we getting citations. That's the intent of  
16 guys, we keep getting a citations. You need to  
17 read. It's a limited group. It's not all the  
18 mill associates. It's just those that are  
19 involved with maintenance. Mr. Baumann was in  
20 that group and he is responsible to do the  
21 workplace exams, and if he's marking that we're  
22 good on them, why are we getting citations. That

1 was the intention.

2 JUDGE MORAN: That's your argument.

3 Okay. Well, go ahead. If you have additional  
4 questions of Mr. Baumann, go ahead.

5 MS. O'REILLY: I would just object that  
6 there's a lot of testimony in the last several  
7 minutes and want to note for the record that Mr.  
8 Tidaback is not under oath so all that testimony  
9 would not be admissible or relevant evidence.

10 JUDGE MORAN: I agree with all that.  
11 Did you hear that, Madam Court reporter?

12 COURT REPORTER: Yes, I did.

13 JUDGE MORAN: Good.

14 MR. TIDABACK: I'm not sure what that  
15 meant.

16 JUDGE MORAN: Attorney O'Reilly was  
17 merely saying that much of what you just said  
18 amounts to testimony, and therefore, I can't  
19 consider it. There are assertions on your part,  
20 not under oath, about what went on and how it is  
21 suggested that -- that checking for guards was  
22 part of his responsibility. That he did not

1 attend to that properly, and then, because that  
2 was his responsibility, that he should be held  
3 accountable when MSHA issued citations for  
4 guarding. I can't get into trying each citation.  
5 That's not -- that's what they call a cul-de-sac,  
6 if you will. It's -- the word doesn't come to  
7 mind, but it's going down to something that's  
8 tangential. All right?

9 But if you could show me, which I don't  
10 know if you can, that, you know, Mr. Spears or you  
11 or someone, kept writing letters through chats,  
12 Teams or whatever, and said, hey, Mr. Baumann, in  
13 all -- we have a problem with guarding. This is  
14 before the citations get issued and you warned him  
15 and you warned him and he still didn't do anything  
16 about it, and that's assuming that he agrees that  
17 was his responsibility, because I don't even know  
18 that checking for guards and writing it up was  
19 part of his duties.

20 He hasn't testified to that, that I  
21 recall, so it's what you're saying is fraught with  
22 many problems is what I'm saying. Okay? If you

1     could show that you warned him and he didn't do it  
2     and you warned him and he still didn't do that,  
3     that would be a basis for asserting that's why we  
4     fired him, in addition for any protected activity,  
5     should I find that there was any protected  
6     activity.

7                 MR. TIDABACK:   Yes, Your Honor.

8                 JUDGE MORAN:   Go ahead.

9                 MR. TIDABACK:   Yes, sir.

10                BY MR. TIDABACK:

11                Q     With that, Mr. Baumann, you had stated  
12     that you do workplace exams.   Correct?   Daily  
13     workplace exams?

14                A     Yes.

15                Q     If we go to exhibit Respondent's C,  
16     which is the workplace exam.

17                JUDGE MORAN:   Respondent's C?

18                MR. TIDABACK:   Yes, Your Honor.

19                JUDGE MORAN:   And agree as part of your  
20     responsibilities, Mr. Baumann, is workplace exams?  
21     Are you supposed to go through the plant and look  
22     for safety defects and any other problems as part

1 of your duties before your shift starts?

2 THE WITNESS: Before my shift starts,  
3 yes, Your Honor.

4 JUDGE MORAN: So that is part of your  
5 responsibilities to look for hazards. Okay. Now  
6 you want me to look at C?

7 MR. TIDABACK: Yes, Your Honor.

8 JUDGE MORAN: No, can't volunteer  
9 information. You want me to look at Exhibit RC?

10 MR. TIDABACK: Yes, Your Honor.

11 JUDGE MORAN: I have Exhibit RC in front  
12 of me, and for the record, let's identify what RC  
13 is. You say it's -- what you do is you say the  
14 Respondent for purpose of identification is  
15 turning to Exhibit RC, which is a -- I'm not sure  
16 what it is. It looks like it's -- it doesn't have  
17 a title on it. Just says start time and Mr.  
18 Baumann's name, and it does say turn up of the  
19 production floor lighting, note any safety issues.  
20 And so this is the exhibit you're talking about,  
21 and you're going to question him about this.  
22 Right?

1 MR. TIDABACK: Yes.

2 JUDGE MORAN: And do you recognize RC,  
3 Mr. Baumann?

4 THE WITNESS: Yes.

5 JUDGE MORAN: Okay. And does that  
6 reflect that you marked on the dates that are  
7 listed there, which begin on March 3rd, 2023 and  
8 continues through April 7th, it looks like 2023,  
9 that you mark about safety issues and you also  
10 looked in the break room and you marked either  
11 non-observed or good, etcetera. Do you mark those  
12 things, sir?

13 THE WITNESS: Your Honor, this doesn't  
14 look like it's a complete.

15 MR. TIDABACK: Your Honor, this is the  
16 results of a form. You remember how to get to the  
17 --

18 THE WITNESS: This doesn't look like the  
19 form that I was filling out, Your Honor, is my  
20 only questionability.

21 JUDGE MORAN: All right. So you don't  
22 recognize this document?

1           THE WITNESS: Not the way it's  
2 formatted. I filled out documents on daily work  
3 exams, yes, Your Honor.

4           JUDGE MORAN: Okay. And then I know  
5 this is embarrassing on my part, but the date when  
6 you were terminated was what?

7           THE WITNESS: 4-17.

8           JUDGE MORAN: Okay. So this is only  
9 about six -- this begins only about six weeks  
10 before you're fired?

11          THE WITNESS: Yes.

12          MR. TIDABACK: There's when we went from  
13 paperwork to digital.

14          JUDGE MORAN: I understand. Okay.  
15 Fine. You went from paperwork to digital but  
16 still, what I'm focusing on is the point in time.  
17 If you told me this was October of 2022, you were  
18 working for this company in October of 2022.  
19 Right?

20          THE WITNESS: Yes, Your Honor.

21          JUDGE MORAN: And so I don't know how  
22 much value this is.



1 MR. TIDABACK: Yes, Your Honor.

2 JUDGE MORAN: Unless you're telling me  
3 that the decision to terminate Mr. Baumann was  
4 based on activities which began in March of '23  
5 and continued through April of 2023. Before that  
6 time you didn't have a basis to terminate him?

7 MR. TIDABACK: No, we did, Your Honor,  
8 but in exhibit -- Secretary's Exhibit P14, Page 1,  
9 it goes into e-mails. The exhibit that we were  
10 showing in this goes to another point that Mr.  
11 Baumann had brought up about the wires to the  
12 floor. That's what that exhibit is for.

13 JUDGE MORAN: Well, I can't find wires  
14 on the floor in this. My -- first of all, you've  
15 got to work this through another witness, because  
16 this witness, Mr. Baumann, the Complainant, can't  
17 testify about this because although he admits he  
18 had duties to look for safety issues and before  
19 the shift started. Right, Mr. Baumann?

20 THE WITNESS: Yes, Your Honor.

21 JUDGE MORAN: But you don't recognize  
22 the format that this is presented. This is not a

1 document when you created?

2 THE WITNESS: No, Your Honor.

3 JUDGE MORAN: So you can't get this in  
4 through this witness because he doesn't recognize  
5 it. You can talk to the substance. You can say  
6 do you recall in March of 2023 that you wrote that  
7 none of the production floor lighting and you  
8 noted no safety issues. You wrote good. You can  
9 ask him that, and he's not going to be able to  
10 recall based on this document because it's in a  
11 different format. You'd have to show him the  
12 document that he created, whatever form it was,  
13 in, paper or whatever, and then ask him if he said  
14 that was good.

15 MR. TIDABACK: Correct.

16 JUDGE MORAN: I'm not sure that that  
17 still gets you there in the sense that this is --  
18 this is right on the edge of the time when you  
19 decide to terminate him. You know, this is very  
20 close to the -- this is the end of his employment.

21 MR. TIDABACK: Right. The whole  
22 question had to do with making sure he was doing

1 the workplace exams. That's what the context it  
2 was, and that's the question asking if he knew how  
3 to get to the form, was showing that this is the  
4 data that's behind the form that he uses.

5 JUDGE MORAN: Yeah, I just -- this is  
6 perplexing. He can't give you much information,  
7 as I just explained, because he doesn't recognize  
8 the format, but you see how complicated this can  
9 be. Let's look at -- you have in front of you RC,  
10 and if you look at the third line, 3, I'm just  
11 picking it out of the many on here, 3-8-23, 8:35  
12 in the morning, Mr. Baumann lists all in working  
13 order, and as to the break room, which I'm  
14 surprised there's a separate category for the  
15 break room for safety issues, but he lists both as  
16 good.

17 Okay. So if you -- unless you can show  
18 that on that date an MSHA inspector arrives and  
19 there are problems. There are violations issued  
20 which he should have caught and that that could  
21 form a basis for you to discharge him, and you've  
22 got written communications between Mr. Spears or

1 other people saying, you know, we've got -- we  
2 have to discharge him because he wrote good on  
3 March 8th, '23, and things were not good, but you  
4 haven't established that here. You haven't tied  
5 in his remarks to dispute the accuracy of what he  
6 wrote by any citation that was issued shortly  
7 thereafter or just before, actually, because he's  
8 saying when he's looking at 3-28 -- 3-8-23 he's  
9 recording the conditions as of that moment. So do  
10 you see some of the hurdles you're presenting  
11 here?

12 MR. TIDABACK: Trying to get there, Your  
13 Honor.

14 JUDGE MORAN: Okay.

15 MR. TIDABACK: Because even the form  
16 itself which you're looking at is one page. If  
17 you think of the page, it's like this. So the  
18 second page is actually the second page of that  
19 data.

20 JUDGE MORAN: I understand. It's like a  
21 spreadsheet. It goes out for yards, you're  
22 saying.

1 MR. TIDABACK: Yes.

2 JUDGE MORAN: Go ahead, sir.

3 MR. TIDABACK: Okay.

4 BY MR. TIDABACK:

5 Q I'm not sure where we're at, but you  
6 agree that, Mr. Baumann, that the form was  
7 provided to you. You do the daily exams, or the  
8 daily workplace exams?

9 A Yes.

10 Q That's normal. Correct?

11 A Yes.

12 JUDGE MORAN: Let's not make this more  
13 complicated than what it is. I mean, he admits  
14 part of his responsibilities for his job were to  
15 check for safety defects in different locations.  
16 Right? And including the east warehouse and the  
17 palletizer area and he's supposed to mark down  
18 whether it was a problem or not. Okay? And of  
19 course, if he writes down as he did on one page  
20 there for -- it said the production hold area was  
21 not running, he said good. Not running good. So  
22 that would be in his favor.

1           But again, for any of these issues,  
2       unless you can show that, in fact, what he marked  
3       was good was not good, and you have to do that  
4       through evidence, not just an assertion, and that  
5       therefore -- and then you have to show the link as  
6       well. We sat down, Mr. Spears or whoever else,  
7       and we looked at some of the these proven  
8       inaccurate remarks from Mr. Baumann, and  
9       therefore, we logically decided he wasn't doing  
10      his job and he has to go, but it can't just be --  
11      you can't just say, well, in 3-7-23 -- I'll stick  
12      with 3-8. 3-8-23 he marks good and it wasn't  
13      good. You've got to show how that was an  
14      inaccurate description and inconsistent with his  
15      responsibilities at his job.

16           MR. TIDABACK: Correct.

17           JUDGE MORAN: All right.

18           BY MR. TIDABACK:

19           Q       In Mr. Baumann's testimony you had  
20      stated that you raised safety concerns and  
21      addressed to the company. Is that correct?

22           A       Yes.

1           Q       Wouldn't you have addressed those in the  
2       daily workplace exams?

3           A       I did some of them and some of them we  
4       were shut down because of them, so we didn't -- I  
5       didn't even do the workplace exams.

6           Q       Okay.

7           A       Like, for example, the guarding and  
8       stuff that we were waiting on. To my -- I never  
9       got, like, I never got a checklist or I never got  
10      walked through the building, you know, saying this  
11      is this guard, this is this guard. This is this  
12      guard. You know, these are all things you need to  
13      look at. I never got a checklist or I never got  
14      any visual -- I never got any training on what to  
15      look for during -- I got you need to make sure the  
16      guards are in place. That place is huge. I need  
17      to be shown where all the guards are at and stuff.

18          Q       So you know -- do you know how all the  
19      machines work?

20          A       Yes. It took me the whole time.

21          Q       So you operated that machine daily.  
22      Correct?

1 A Yes.

2 Q Okay. Guarding -- does the MSHA  
3 guarding handbook disclose each machine?

4 A Not to my knowledge.

5 Q Okay. Have you ever read the MSHA  
6 guarding handbook?

7 A For American Tripoli?

8 Q The MSHA guarding handbook.

9 A No.

10 Q Okay. Is MSHA guarding discussed in any  
11 of your required MSHA training?

12 A It was during the refresher training,  
13 yes.

14 Q Okay.

15 JUDGE MORAN: Just -- I'll be quiet  
16 after this, I say, and then I won't, but try and  
17 express it differently to help you understand.  
18 What I'm suggesting to you is there has to be  
19 linkage. Think of it as chain. So if you can't  
20 link up everything. You know, you say he wrote  
21 good on a certain date. In fact, it's not good  
22 and then we discussed and then we decided he had



1 to be terminated. If you can't link them all  
2 together, you just can't have disparate things.  
3 He wrote good on this day, and without the other  
4 links to it you haven't established a deficiency  
5 on his part. So linkage is the key here.

6 MR. TIDABACK: And it may be, Your  
7 Honor, since I'm being told I'm doing more  
8 testimony than questioning, I may have to re-call  
9 this witness to the stand.

10 JUDGE MORAN: You may have to call Mr.  
11 Baumann?

12 MR. TIDABACK: Yes, Mr. Baumann back.

13 JUDGE MORAN: You're doing it right now.

14 MR. TIDABACK: Yeah, that's what I'm  
15 trying to figure out because I need to look at  
16 testifying, ask the questions that are actually  
17 linked.

18 JUDGE MORAN: Okay. Well, you decide  
19 your own procedure for your defense, but so ask  
20 him other questions, if you have any, about --  
21 about his job performance or communications, you  
22 can ask him if he had certain communications with

1 you and if he recalls them and what the substance  
2 of them were, or with Mr. Spears or any --  
3 anything you might have handed him in writing  
4 saying you need to do this. Do you recall getting  
5 this note from me through Teams or through a  
6 separate piece of paper. Anything to show  
7 deficiencies that you communicated with him and  
8 whether he agrees or denies about those  
9 contentions.

10 BY MR. TIDABACK:

11 Q So, Mr. Baumann, can you discuss any  
12 specific instances where you're unable to complete  
13 the assigned task or projects?

14 A Such as?

15 JUDGE MORAN: You say you don't  
16 understand the question.

17 THE WITNESS: I don't understand the  
18 question.

19 BY MR. TIDABACK:

20 Q Okay. Multiple times?

21 A On multiple levels of doing anything in  
22 that building.

1 Q Okay. Can you give us some example of  
2 those?

3 A Just like fixing the guarding when the  
4 MSHA inspector shut down the one time for the  
5 guarding. Not having the proper tools. Having  
6 the metal that they needed to make them. So we  
7 just kind of made do with what we had. Bearings  
8 going out. Being down for a week instead of a  
9 day, because we couldn't go to the -- couldn't go  
10 to the local O'Reilly's and get a bearing.  
11 There's a lot of instances.

12 Q Do you have a company credit card?

13 A No.

14 Q Okay. Does John have a company credit  
15 card?

16 A I don't know.

17 Q So were you ever tasked to go get a  
18 bearing?

19 A No.

20 Q Do you know any of the specifications  
21 about a bearing?

22 A Yes. I can take a bearing and go get a

1 new one anytime.

2 Q How do you know a bearing?

3 A Huh? Measure them.

4 Q So you have mechanical aptitude skills  
5 that just were never expressed to us?

6 A Yeah. I wasn't hired to be a mechanic.

7 Q Did you say you were a mechanic?

8 A No. I was not hired to be a mechanic.

9 Q So when we're talking about the  
10 projects, part of housekeeping you had mentioned  
11 that before, guarding, workplace exams. Those  
12 were all in the shift leads roles and  
13 responsibilities. Correct?

14 A That was my assumption that that was  
15 parts of my duties.

16 Q Okay. So if we look at Respondent  
17 Exhibit D, or RD.

18 JUDGE MORAN: RD.

19 BY MR. TIDABACK:

20 Q If I'm not mistaken, this is public  
21 information. You can look up this on MSHA's  
22 website.

1 JUDGE MORAN: Okay.

2 BY MR. TIDABACK:

3 Q The RD is the violation that was  
4 received by American Tripoli during Mr. Baumann's  
5 tenure. If you go three columns from the right,  
6 Mr. Baumann, where it says Standard Subjects.

7 A Yes.

8 Q See that? Okay. If we go through all  
9 of those, there's guarding, housekeeping,  
10 workplace exam, all of those you just admitted  
11 that were basically your responsibility. Correct?

12 A Yes.

13 Q Okay. And if you look on the second  
14 page, the same, same column. Third one from the  
15 right.

16 A Yep.

17 Q Guarding, housekeeping, workplace exams,  
18 guarding. Do you believe those were all taken  
19 out?

20 A Okay, yes.

21 Q So all of these citations were received  
22 during your tenure that you just admitted that

1 were your responsibility?

2 A Yes. Well, the workplace exam on this,  
3 those were slights because you couldn't produce  
4 them. He asked and you couldn't produce them  
5 because we were doing them on the computer, if I'm  
6 recalling that correctly and we'll have to ask  
7 Keith, but...

8 Q Yes. So is it fair to say, looking at  
9 this document, that these citations were in your  
10 area of responsibility?

11 A They were in the building. I didn't --  
12 just like the workplace exams, we didn't know we  
13 were supposed to be doing all that stuff until we  
14 were cited through MSHA. The guarding, if it was  
15 obvious, yes, I would have caught it, but not  
16 being trained I didn't know where all the guarding  
17 was supposed to be and all the different places  
18 for the guards.

19 Q You keep referring to being trained, the  
20 training.

21 A Yes.

22 Q You did receive the training?

1           A       No, I did not.

2           Q       You didn't receive the training in your  
3       annual refresher training?

4           A       No. I never got a walk-through of that  
5       building and shown this is this guard, this is  
6       where this needs to be, this is this guard, this  
7       is where this needs to be.

8           Q       So when you were hired, was all that  
9       guarding in place?

10          A       No. Couldn't have been.

11          Q       Couldn't have been. Couldn't have been  
12       what?

13          A       Couldn't have been in place.

14          Q       What do you mean? I don't understand.

15                 JUDGE MORAN: For what it's worth,  
16       though, I mean, I will admit this subject to any  
17       objection from the Secretary, Respondent's Exhibit  
18       RD.

19                 MS. O'REILLY: We object. I have no  
20       idea where this comes from. He didn't provide  
21       this in discovery. It doesn't look like something  
22       MSHA has created. I mean, department responsible,

1 I can't imagine MSHA would have put the mill in  
2 there. When MSHA issues penalties like the  
3 inspectors, they don't even know the penalty at  
4 the time they're issuing the citation, so this  
5 looks like it might have been created by American  
6 Tripoli.

7 MR. TIDABACK: You are correct. Sorry,  
8 that is correct. We did create this, but all the  
9 information comes from the MSHA website.

10 JUDGE MORAN: Okay. Well, and that's  
11 your representation, but did you -- you did share  
12 this with MSHA, with the Secretary of Labor.  
13 Right? You gave them this document?

14 MR. TIDABACK: Yes, sir.

15 JUDGE MORAN: Are you going to have a  
16 witness identify this document?

17 MR. TIDABACK: Yes.

18 JUDGE MORAN: And -- but it was created  
19 by you folks?

20 MR. TIDABACK: That is correct.

21 JUDGE MORAN: And based upon violations,  
22 citations that were issued on the dates that are



1 listed on this sheet, it's a summary of violations  
2 that were issued by MSHA from November 2nd, '22,  
3 2022, through March 1st, 203, 2023. Right?

4 MR. TIDABACK: Correct, Your Honor.  
5 That is filtered out just for the time Mr.  
6 Baumann's tenure with American Tripoli.

7 JUDGE MORAN: Well, again, this case,  
8 this decision is not about deciding these  
9 citations and the merit or lack thereof, citations  
10 that were issued, but I'll hear further from  
11 Attorney O'Reilly about your objections to this  
12 exhibit. I'm not saying that you can't challenge  
13 it when this is introduced through the testimony  
14 of someone. Okay. That hasn't happened yet. So  
15 Mr. Tidaback has to have someone or himself  
16 explain about this exhibit, and then you would be  
17 able to cross examine him about the input and all  
18 kinds of things about it. So it's premature to  
19 consider entering it, but it does seem like  
20 something that I was -- depending upon the  
21 foundation laid by the witness for the Respondent,  
22 I might admit this for whatever limited value it

1 may have. But not yet.

2 MS. O'REILLY: I just want to clarify  
3 and lodge another objection that this was not  
4 provided to the Secretary in discovery.

5 JUDGE MORAN: What do you say that to  
6 that, Mr. Baumann -- I mean, Mr. Tidaback?

7 MR. TIDABACK: I mean, I would have to  
8 go look at the -- the documents because all the  
9 information we have is --

10 JUDGE MORAN: That's a significant  
11 problem and hurdle if -- if you did not exchange  
12 this, even as of today until you presented it.  
13 That's a big problem with my giving it any  
14 consideration.

15 MS. O'REILLY: I'll clarify this. This  
16 was part of the February 8th leaked disclosure,  
17 but this was not provided to us during discovery  
18 and it would have been responsive to a very  
19 comprehensive discovery request that we sent out.

20 JUDGE MORAN: But you did have it as of  
21 February?

22 MS. O'REILLY: Correct.

1 JUDGE MORAN: The eight days that were  
2 late, this was part of that packet?

3 MS. O'REILLY: Yes, I would agree with  
4 that.

5 JUDGE MORAN: We're still not there yet  
6 for its introduction. We have to have the  
7 appropriate witness attempt to introduce this.

8 THE WITNESS: Your Honor.

9 JUDGE MORAN: Yes. Who said that?

10 THE WITNESS: Me. Can I have a restroom  
11 break really quick?

12 JUDGE MORAN: We're going to have a  
13 bigger break, because it's 4:34. We only have ten  
14 minutes left. Let's take a break for a second and  
15 we'll wrap up today. Okay?

16 THE WITNESS: We can go ahead.

17 JUDGE MORAN: No, I don't want you to be  
18 --

19 THE WITNESS: No, Your Honor, if we're  
20 going to be done that quick, I can wait.

21 JUDGE MORAN: Remember we have to quit  
22 at quarter to 5:00. Okay. All right. So this

1 has been a little bit unwieldily, but I'm willing  
2 to entertain for whatever probative value it may  
3 have. You're trying to establish, in a broad  
4 brush way, that Mr. Baumann wasn't doing his job.  
5 That he should have been noting these guarding  
6 issues in his daily reports. That he didn't do  
7 that, and that you didn't late arrive at the  
8 conclusion that he should be discharged for this  
9 as opposed to, oh, let's look back and see if  
10 being we can find a pretext. That's an important  
11 word, a pretext for discharging him. You know, it  
12 could be that in the wake of the complaints and so  
13 forth and the MSHA inspectors and talking to MSHA  
14 inspectors and acting as a walk around  
15 representative that you might have attempted to  
16 backfill. That is to look back and say, let's see  
17 what we can justify to show Mr. Baumann's  
18 discharge. And without those links I talked  
19 about, it's not very persuasive at least at this  
20 point in the testimony. Okay? Everyone with me  
21 on this, what I'm saying? Am I making myself  
22 clear or am I muddying things?

1 MR. TIDABACK: So maybe this is -- maybe  
2 this is where we're missing it, Your Honor. The  
3 hires that we had hired to replace Mr. Baumann  
4 before he was terminated, those are not links to  
5 --

6 JUDGE MORAN: No. You're talking about  
7 -- no. You're talking about hiring people to --  
8 Mr. Baumann's gone. Right?

9 MR. TIDABACK: No, no, no.

10 JUDGE MORAN: And then you hired people.

11 MR. TIDABACK: I hired them before. If  
12 we terminated -- I'm bad about dates. If I  
13 terminate Mr. Baumann in April, but I hire him  
14 this other guy in January to terminate Mr.  
15 Baumann, it's hired before. So I would be paying  
16 two employees until we can terminate Mr. Baumann,  
17 because logically we don't want to throw a new guy  
18 into the fire and not know anything. But we need  
19 to terminate Mr. Baumann. So having this person  
20 we've hired you, you've got in on, what is this  
21 new guy here for? He's replacing you. We're  
22 going to have to let you go. That's what I'm

1 saying, there's four of them. There wasn't just  
2 one person that was hired to replace Mr. Baumann.  
3 If I'm not mistaken, there were four of them to  
4 replace Mr. Baumann.

5 JUDGE MORAN: This doesn't -- to me this  
6 doesn't make sense that you're saying that you  
7 decide to terminate Mr. Baumann months before, and  
8 you hire four people to effectively do the job  
9 that he wasn't doing sufficiently, and yet there's  
10 no record of -- written record or Microsoft Teams  
11 even between just you and Mr. Spears or your  
12 daughter saying we got a real problem here. You  
13 haven't laid a foundation for what causes you to  
14 hire these other people, and of course, we haven't  
15 heard from those people, but this is not adding  
16 up. It sounds -- I know you blanch when I use the  
17 expression, but backfilling. It sounds like  
18 you're trying to look back and create reasons,  
19 from what I have heard so far, to discharge him as  
20 opposed to we had this problem and this problem  
21 and this problem, and then I hired four people but  
22 we had to keep Mr. Baumann on. Bad a job as he

1 was doing, because someone had to teach him how to  
2 do it. Are you really suggesting that?

3 MR. TIDABACK: Again, it wasn't four  
4 people at once, Your Honor. We hired one in  
5 January, because we have people that don't show up  
6 or they attend the MSHA training and they quit.

7 JUDGE MORAN: But you're keeping Mr.  
8 Baumann on for the purpose of so they can learn  
9 the job. Right?

10 MR. TIDABACK: So we can terminate Mr.  
11 Baumann. Correct.

12 JUDGE MORAN: You're asking Mr. Baumann  
13 to stay on who's doing a lousy job, for the sake  
14 of argument, but you need him there to train these  
15 two people.

16 MR. TIDABACK: As bodies. We need a  
17 body there. The operation doesn't run unless we  
18 have a body.

19 JUDGE MORAN: I would say if I was out  
20 of your committee, I would say this doesn't add  
21 up. If we're going to -- we're not going to hire  
22 people to replace the guy who's doing a lousy job,

1 and we can't get rid of him fast enough, but first  
2 we have to hire these people so he can train them.  
3 The guy, the bad actor, he's going to show them  
4 how to do things.

5 MR. TIDABACK: It's a body, Your Honor.  
6 It's very difficult to hire people in Seneca,  
7 Missouri.

8 JUDGE MORAN: I'm sure.

9 MR. TIDABACK: That's the whole thing.  
10 It's not like that we ca just take someone from  
11 Seneca and put them in the control room.

12 JUDGE MORAN: I know, but to keep the  
13 guy who's a source of your problems?

14 MR. TIDABACK: That's why we were trying  
15 to get rid of him, Your Honor.

16 JUDGE MORAN: I guess I would wonder out  
17 loud why you or Mr. Spears or someone else wasn't  
18 taking over these things and he's gone. He's just  
19 -- Mr. Baumann is gone. We're not keeping that  
20 guy around. That's the last thing we want is for  
21 him to train new people how to do the job, because  
22 he'd train them how on do it incorrectly,



1 according to you.

2 MR. TIDABACK: That's the whole point,  
3 Your Honor. We have to get someone in there that  
4 is going to accept the work because we have to do  
5 the --

6 JUDGE MORAN: Who's going to train them  
7 to do the new work? Mr. Baumann. Right?

8 MR. TIDABACK: But we have to get him  
9 past the MSHA training. In 2023 we went through  
10 --

11 JUDGE MORAN: Mr. Baumann doesn't do  
12 MSHA training, does he?

13 MR. TIDABACK: He does not provide MSHA  
14 training, no. It is just the control room and  
15 it's the whole thing. We had Jim Huber, Mr.  
16 Huber, which was the senior person there. He had  
17 four plus years there. He did not have leadership  
18 skills and that is why he was Mr. Baumann's person  
19 in that position where we took Mr. Baumann from  
20 nights to days. Okay. We had -- I'm trying not  
21 to testify, sorry.

22 JUDGE MORAN: I think we're wrapping up.

1 It's 5:40. We're going to call it a day, but you  
2 know, I don't want to mislead you, but -- and I  
3 don't mean to sound coarse, c-o-a-r-s-e I'm  
4 talking about. Okay? Basically at this point,  
5 subject to any more questions you may have of the  
6 Complainant, you've got nothing at this point.  
7 Now, you may have witnesses that can establish  
8 either no protected activity or no adverse action  
9 or doesn't look very good at this point with the  
10 evidence of record, and you really don't have  
11 anything for this witness to show that you would  
12 have fired him in any event. At least not through  
13 the testimony of Mr. Baumann, because he's denying  
14 most of what you're saying, and so the basis for  
15 we would have fired the guy anyway, I don't see  
16 anything there, so far, and then you haven't  
17 presented your defense yet, but at least through  
18 this witness I don't think you marched up that  
19 hill yet.

20 MR. TIDABACK: And we're trying to get  
21 there Your Honor. It's a big hill. We're trying  
22 to get there.

1 JUDGE MORAN: Attorney O'Reilly is just  
2 bursting to want to say something, so go ahead.

3 MS. O'REILLY: I just want to put on the  
4 record that we object to all that line of  
5 questioning and testimony and I would like to  
6 point, again, he's not under oath and I would like  
7 to make a standing objection to his testimony when  
8 he's questioning witnesses.

9 JUDGE MORAN: Well, you can make a  
10 standing objection to his questioning witnesses  
11 unless he's in those questions is testifying.

12 MS. O'REILLY: He's testifying while --

13 JUDGE MORAN: Sometimes he's turned it  
14 around where at the end he said isn't that true  
15 and that's fine. Okay. He's turned it into a  
16 question at the end.

17 MS. O'REILLY: I just want to make the  
18 record clear that all the testifying in the past  
19 and that's been going on, we object to during the  
20 questioning and while he's not under oath, which  
21 he's currently not under oath.

22 JUDGE MORAN: Okay. We're going to wrap

1 up here. Madam Court Reporter, can you hear me?

2 COURT REPORTER: Yes, I can.

3 JUDGE MORAN: Are you prepared to begin  
4 tomorrow morning, shortly before 9 o'clock?

5 COURT REPORTER: Yes.

6 JUDGE MORAN: Okay. So we'll be signing  
7 in with you. Court doesn't open until 8:30 and it  
8 take to time to set up, so we'll aim with talking  
9 with you ten minutes before 9:00 and getting all  
10 set up ready to go at 9:00 sharp. Does that work  
11 for you?

12 COURT REPORTER: Yes, it does.

13 JUDGE MORAN: Okay. Well, Ms.  
14 Blackerby, thank you for your help today. We look  
15 forward to meeting with you tomorrow.

16 COURT REPORTER: Thank you.

17 JUDGE MORAN: Now we're going to go off  
18 the record.

19 COURT REPORTER: Okay.

20 JUDGE MORAN: So today's proceeding has  
21 come to an end. Thank you.

22 MS. O'REILLY: One question, if we can,

1 on the record. It can be off the record, to  
2 clarify what you said this morning about speaking  
3 with witnesses during this proceeding. Doc is our  
4 agency representative, so we wanted to clarify the  
5 role as to our conversations with him, not  
6 preparing for any testimony, not those  
7 conversations, but other conversations related to  
8 trial strategy. Would those be permissible?

9 JUDGE MORAN: No. Again, I would rather  
10 keep it clean and not have that. Okay? Because I  
11 don't -- I don't know that you could  
12 compartmentalize to the extent you didn't stray  
13 into -- it's just safer. The time for preparing  
14 ended when we started the proceeding this morning.  
15 All right? I'm sure your witnesses will do fine,  
16 or as best as they can do, without conversations  
17 from now until tomorrow morning. Okay?

18 MS. O'REILLY: Yes. We agree. We would  
19 instruct that we would ask our witnesses, Mr.  
20 Baumann and Mr. Dillingham, to be back here again  
21 at 8:30, just so we are clear they know where to  
22 go and what time to be here. That's the

1 instruction we would like to give them.

2 JUDGE MORAN: That's fine.

3 MS. O'REILLY: Okay.

4 JUDGE MORAN: See you at 8:30 when the  
5 courthouse opens. Mr. Dillingham, is that all  
6 right?

7 MR. DILLINGHAM: Yes.

8 JUDGE MORAN: I'm bad with names, sorry  
9 about that. We'll see you-all tomorrow morning.  
10 Thank you for everything. See you in the morning.

11 (Whereupon, at 4:46 p.m., the  
12 HEARING was continued.)

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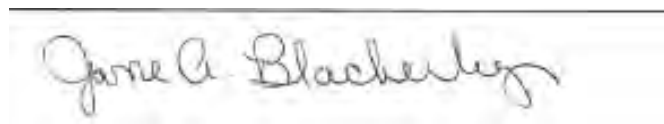
C E R T I F I C A T E

I, Jane A. Blackerby, a Certified Court Reporter of the State of Missouri, do hereby certify:

That said proceeding was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to writing under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand and seal this 11th day of March, 2024.

A handwritten signature in cursive script, reading "Jane A. Blackerby", is positioned above a horizontal line.

Jane A. Blackerby, CCR #877

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

-----X  
SECRETARY OF LABOR, :  
 :  
 Complainant, :  
 :  
 v. : CENT 2023-0251-DM  
 : MADI-CD-2023-03  
 MONSENECA MANUFACTURER, LLC, :  
 d/b/a AMERICAN TRIPOLI, :  
 :  
 Respondent. : Volume 2  
-----X

633 S. Pearl Avenue  
Joplin, Missouri

Wednesday, February 28, 2024

The HEARING in the above-entitled matter  
was reconvened at 9:00 a.m., pursuant to notice.

BEFORE:

JUDGE WILLIAM B. MORAN



## 1 APPEARANCES:

2 On behalf of Complainant:

3 LAURA O'REILLY, ESQUIRE  
4 ELAINE SMITH, ESQUIRE  
5 QUINLAN B. MOLL, ESQUIRE  
6 United States Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108

7 On behalf of Respondent:

8 RUSSELL TIDABACK, ESQUIRE  
9 American Tripoli  
222 Oneida Street  
Seneca, Missouri 64865

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## C O N T E N T S

WITNESS:                      DIRECT      CROSS      REDIRECT      RECROSS

Robert Baumann                      12                      117                      123

Gage Wheeler                      127                      193

Carson Allman                      217                      254

Kensley Brewer                      268                      291

Michael Dillingham                      307                      341

Keith Markeson                      356

RESPONDENT'S EXHIBIT:                      MARKED/RECEIVED

R-A - Document

R-X - Document

R-Y - Document

R-Z - Document

COMPLAINANT'S EXHIBITS:

P-1 - MSHA Form 2123

P-16 - Employee Handbook

P-17 - ID Report

P-19 - System Information

P-20 - System Information

P-22 - Violation History

P-23 - Data on Mine Size

P-25 - Field Notes

1 COMPLAINANT'S EXHIBITS (CONT'D): MARKED/RECEIVED

2 P-26 - Inspection Notes

3 P-39 - Discovery Responses

4 P-41 - Brewer Statement

5 P-42 - Miner Interviews

6 P-43 - Tidaback Deposition

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1 P R O C E E D I N G S

2 JUDGE MORAN: Good morning. All right.

3 So let's go on the record. On the record, now?

4 Okay. We on.

5 COURT REPORTER: We're on.

6 JUDGE MORAN: All right. Good morning,  
7 everyone. We're here for day two, being the next  
8 to the last day of February, this being a leap  
9 year. Today is February 28th, and we're going to  
10 resume the testimony, the cross examination of Mr.  
11 Baumann in a moment.

12 In an off the record discussion where  
13 all the parties were here, that is Mr. Tidaback  
14 and the three counsel for the Secretary, Mr.  
15 Tidaback raised a subject of some exhibits which  
16 he's previously exchanged with the Secretary, and  
17 he was seeking to see if that would be --  
18 something that the parties can stipulate and the  
19 Secretary will stipulate to its admission. Have  
20 you had a chance to look these over, Attorney  
21 O'Reilly?

22 MS. O'REILLY: Yes. To clarify, these

1     were not previously exchanged. I saw them at 9:00  
2     a.m. this morning when we got to the courthouse.

3             JUDGE MORAN: This was not out of the  
4     exchange?

5             MS. O'REILLY: Correct. I did not see  
6     this until today.

7             JUDGE MORAN: Mr. Tidaback.

8             MR. TIDABACK: Yes. The -- the exhibit  
9     we put together are the Teams chats from the first  
10    interrogatories and request for documents, the  
11    second production of documents. They're just in  
12    another document explaining the pictures. So it's  
13    expanded information of what's already there.

14            MS. O'REILLY: These are not familiar to  
15    me. If it's expanded, then that's information I  
16    was not provided. There is testimony and  
17    narrative and commentary in here about things. I  
18    mean, some of these pages are just argument. It's  
19    almost like filing a brief before the Court and  
20    asking for it to be an exhibit, and I can't  
21    confirm that these messages were messages in any  
22    of these exhibits. If they were, I'd like to be

1 pointed to that.

2 JUDGE MORAN: Okay. So regretfully my  
3 ruling is that I can't admit these exhibits, these  
4 proposed exhibits. You can, if you have, in fact,  
5 exhibits that have been previously exchanged and  
6 there are pages within those exhibits, I'm just  
7 picking at random RM. I'm not saying that's where  
8 it would be, you can use those pages, but you  
9 know, the tests for admission of documents at a  
10 late stage like this, whether they were readily  
11 available to the side seeking to have them  
12 introduced, and these being Team chats, they were  
13 before readily available. So I mean, it has to be  
14 elements of fairness here.

15 And weighing that against the surprise  
16 and without seeing these exhibits, the  
17 characterization and the concerns expressed by  
18 Attorney O'Reilly, including the type of  
19 objections that she would have perhaps raised with  
20 was more detailed if she had had these in a timely  
21 fashion, such as her suggestion that upon  
22 reviewing them some aspects of it seemed like

1 argument as opposed to testimony or exchanges that  
2 are not argument, but just factual, I have to deny  
3 the admission of your proposed collaborative  
4 exhibit.

5 MR. TIDABACK: Yes, Your Honor.

6 JUDGE MORAN: You can still ask  
7 questions, as you did yesterday, you can say to  
8 Mr. Baumann, do you remember having -- my having a  
9 conversation -- I'm making this as a hypothetical.

10 MR. TIDABACK: Yes, sir.

11 JUDGE MORAN: Do you remember we had a  
12 conversation where I advised you you had to do  
13 better about looking at guards, and he can answer  
14 that and say, yes, I do, or no, I don't, and then  
15 that becomes a question that one aspect of it, of  
16 credibility. And I don't make a credibility  
17 determination based solely upon a witness' answer,  
18 but I will tell you that holistically, depending  
19 about upon what other witnesses may testify or  
20 what other exhibits may help me discern the  
21 accuracy of that answer, whether I find it to be  
22 credible or not credible. I hope that wasn't so

1 wordy that you're not going to understand what I'm  
2 saying.

3 All right. So that's my ruling. So  
4 now, are you ready to resume questioning of the  
5 Complainant?

6 MR. TIDABACK: I did have a question,  
7 Your Honor.

8 JUDGE MORAN: Sure.

9 MR. TIDABACK: The -- the  
10 interrogatories and requests for production of  
11 documents that the Secretary asked for and she had  
12 received, they're for the search terms of those  
13 chats is what she received and that they're all in  
14 there. That's what I'm saying, she received them.  
15 And if there was more questions on those I would  
16 have -- you know, I'm saying we would have went  
17 more in detail, and that's what those are. It's  
18 just that information. It's just the continuation  
19 of that discussion that shows part of what we're  
20 presenting. The history behind.

21 JUDGE MORAN: Okay. Well, without  
22 introducing the exhibits, of course, I have



1 decided that it's inappropriate and unfair on the  
2 day two of our trial, and -- and accepting the  
3 accuracy of Attorney O'Reilly's statement that  
4 these were not part of the prehearing exchange, I  
5 still have to deny your attempt to have this  
6 admitted. However, you can still, by looking at  
7 those documents formulate a question, but you're  
8 not going to refer to it. You're not going to say  
9 based on Microsoft chat, Team chat number. You're  
10 going to say, Mr. Baumann, is it accurate that,  
11 and then you would ask him questions. Although  
12 the basis for that will be derived for perhaps  
13 when you're looking at notes, but he can still  
14 answer the questions. He just can't introduce  
15 those Team chats as exhibits to prove your defense  
16 to this matter.

17 MR. Tidaback: Yeah, and my fear on  
18 that, Your Honor, is just like yesterday you have  
19 mentioned we have to go off of his memory and a  
20 lot of things we have he stated he didn't have  
21 those conversations or we didn't talk about that,  
22 so you know, that's presented in the exhibits that

1 the Secretary has. That's I'm trying to --

2 JUDGE MORAN: I understand. One of my  
3 -- as I sort of elaborated a second ago, one of my  
4 jobs is to assess the credibility of witnesses,  
5 and you notice I've stayed awake. I'm not dozing  
6 off. I'm looking at witnesses and this witness  
7 and any other witnesses, and I have to make an  
8 assessment of credibility. All right. And I make  
9 provisional assessments during the course of the  
10 hearing, and then I weigh that against other  
11 witnesses who may contradict a given witness'  
12 testimony, and I do my level best to come up with  
13 a conclusion as to which witness, if there's a  
14 conflict, is more believable.

15 MR. TIDABACK: Okay.

16 JUDGE MORAN: So that's the process I  
17 use.

18 MR. TIDABACK: Yes, sir.

19 JUDGE MORAN: All right. So are you  
20 ready now to resume you're questioning of Mr.  
21 Baumann?

22 MR. TIDABACK: Sure.

1 JUDGE MORAN: Court reporter, I'm doing  
2 this annoyingly, I know, but Court Reporter, did  
3 you get all that?

4 COURT REPORTER: Yes, I did.

5 JUDGE MORAN: Okay. Thank you. All  
6 right. Go ahead, Mr. Baumann -- Mr. Tidaback,  
7 with your questions, questioning of Mr. Baumann,  
8 please.

9 Whereupon,

10 ROBERT BAUMANN  
11 was recalled as a witness and, having been  
12 previously duly sworn, was examined and testified  
13 further as follows:

14 CROSS-EXAMINATION CONTINUED

15 BY MR. TIDABACK:

16 Q Good morning, Rob.

17 A Good morning.

18 JUDGE MORAN: Let me just state, I'm  
19 sure you know this, but just for the record, Mr.  
20 Baumann, you're still under oath.

21 THE WITNESS: Yes, Your Honor.

22

1 BY MR. TIDABACK:

2 Q So in your tenure with American Tripoli  
3 you've had interactions with Mr. Spears, your  
4 supervisor. Can you describe the nature of those  
5 interactions?

6 A Daily interactions about multiple  
7 things.

8 Q How was the feelings and demeanor of  
9 that -- of those interactions?

10 A I don't understand the question.

11 Q Did you have confrontations with Mr.  
12 Spears?

13 A Yes.

14 Q If we can refer to Respondent Exhibit  
15 RA.

16 JUDGE MORAN: Okay. Okay. Thank you.  
17 I now have Respondent's RA in front of me. And do  
18 you have that in front of you, Mr. Baumann?

19 THE WITNESS: My pages aren't numbered.  
20 It's Page 10 and I apologize, Your Honor.

21 JUDGE MORAN: Did you say Page 10?

22 MR. TIDABACK: Yes, Your Honor.

1 JUDGE MORAN: So help me out, Mr.  
2 Tidaback. What I've found and hopefully correctly  
3 as being Page 10 is the first item on there Jim  
4 Huber, 5-7 2:01 p.m.?

5 MR. TIDABACK: Yes, Your Honor.

6 JUDGE MORAN: Do you find that, Mr.  
7 Baumann?

8 THE WITNESS: Yes.

9 JUDGE MORAN: Okay. And does it say,  
10 "Mr. Tidaback, I didn't know you-all did. I was  
11 trying to stay in my lane." Is that what you're  
12 referring to?

13 MR. TIDABACK: At the bottom of the  
14 page, Your Honor, Jim Huber's message, 5-7 2:03  
15 p.m.

16 JUDGE MORAN: Yes, I see.

17 MR. TIDABACK: He was yelling at John a  
18 lot, screaming.

19 JUDGE MORAN: You see that, Mr. Baumann?

20 THE WITNESS: Yes, Your Honor.

21 JUDGE MORAN: Okay.

22

1 BY MR. TIDABACK:

2 Q Reading this conversation on this page,  
3 Mr. Baumann, or Rob, looking at in the middle of  
4 the page, 5-7 2:03 p.m., that's when Rob started  
5 really buck against what John was telling him.  
6 Next message, "Oh, I know. I guess we had to  
7 prioritize things," and then Jim Huber responded  
8 to that message. It's safe to assume that Jim was  
9 referring to you?

10 MS. O'REILLY: Objection, calls for  
11 speculation.

12 JUDGE MORAN: No, he can answer the  
13 question. Was he referring to you?

14 THE WITNESS: I honestly don't know,  
15 Your Honor, because these messages were sent after  
16 I was terminated.

17 JUDGE MORAN: Okay. So help me out  
18 with, Mr. Tidaback. I know it's a fundamental  
19 question, but these Teams chats are a little  
20 difficult for me in the sense that each page does  
21 not identify the year. So when you're referring  
22 to 5-7 at 2:02 and 2:03 p.m., what year is this?

1 MR. TIDABACK: This will be current  
2 year. The system does not show this year. It's  
3 current year, the year that we're in that we took  
4 pictures, screen shots of the system when we were  
5 searching for these.

6 JUDGE MORAN: But I'm a little confused  
7 as to the 5-7, what year? You're saying that  
8 can't be -- you're not talking about 2024.

9 MR. TIDABACK: No. That would be 2023.

10 JUDGE MORAN: And was 5-7-2023 a period  
11 of time, these communications that we're looking  
12 at on this exhibit, that's after Mr. Baumann was  
13 terminated. Is that correct?

14 MR. TIDABACK: That is correct. This  
15 was a communication between Mr. Baumann, or excuse  
16 me, Mr. Huber, which was an employee of ours and  
17 myself.

18 JUDGE MORAN: In May of 2023?

19 MR. TIDABACK: Correct, Your Honor. I  
20 should have been more clear.

21 JUDGE MORAN: This is just for -- you  
22 can imagine that if I didn't nail that down that

1 someone, if this case is appealed, would not -- or  
2 not know for sure. It has -- it can't look  
3 outside the record. We have to have it on the  
4 record and now we do.

5 MR. TIDABACK: Yes, sir.

6 JUDGE MORAN: So are you going -- you  
7 going to move for introduction of this -- of this  
8 exhibit, RA?

9 MR. TIDABACK: Yes, Your Honor.

10 JUDGE MORAN: All right. Do we have an  
11 objection to the introduction of RA?

12 MS. O'REILLY: Yes, we have an  
13 objection. This is a redacted copy of what was  
14 produced in Exhibit P34. If you go to P34 on Page  
15 15 we asked for an un-redacted complete, so this  
16 was provided in discovery, what's in this Exhibit  
17 A, and then we noticed that there were redactions.  
18 So we asked for an un-redacted copy in further  
19 discovery, and that is what's reflected in p34.  
20 So I would just argue that this is in the record  
21 and P34, but in a complete fashion so we would  
22 object to this incomplete redacted copy being part



1 of the record.

2 JUDGE MORAN: Okay. So but I'm looking  
3 for my -- of course, I do see P34 was admitted  
4 yesterday. So -- and you're telling me, Attorney  
5 O'Reilly, that P34 was in effect and expanded --

6 MS. O'REILLY: Correct.

7 JUDGE MORAN: -- version of RA. Well,  
8 I'm still going to admit RA.

9 MS. O'REILLY: Okay.

10 (Respondent's Exhibit R-A was  
11 marked for identification and  
12 received in evidence.)

13 JUDGE MORAN: But I understand what  
14 you've just expressed. So Exhibit RA is admitted,  
15 and I'm just making sure I don't include more than  
16 I need to. Yeah, RA is admitted. I'm going to  
17 mark that down. And the pages are not numbered,  
18 but the page that I think accurately -- it doesn't  
19 matter what number, but what Mr. Baumann was just  
20 asked about is part of the record as well. Okay?  
21 So he responded as best he could to that. RA is  
22 admitted.

1 MR. TIDABACK: Thank you, Judge.

2 JUDGE MORAN: Go ahead.

3 BY MR. TIDABACK:

4 Q Do you see where Mr. Huber is it stating  
5 he was yelling at John and screaming at Mr.

6 Baumann?

7 A Yes.

8 Q With this information, were there  
9 instances where disagreements led to raised voices  
10 or confrontations by you?

11 A Yes.

12 Q Please provide some details on that.

13 A For one, the mill was pretty loud, so  
14 you usually had to talk up quite a bit, and yes.  
15 I did. When we were asking for parts or anything  
16 like that, there was times that I raised my voice.  
17 It wasn't in a fit throwing or anything else, but  
18 yes.

19 Q Confrontational?

20 A Never confrontational.

21 JUDGE MORAN: And just to help me out,  
22 these -- these moments, instances in part due to

1     you say the noise of the mill itself?

2                 THE WITNESS:   Yes, Your Honor.

3                 JUDGE MORAN:   These are conversations  
4     between you and Mr. Spears?

5                 THE WITNESS:   Yes.

6                 JUDGE MORAN:   And just the two of you or  
7     were there other people?

8                 THE WITNESS:   There was other people  
9     around, all the mill associates.

10                JUDGE MORAN:   Okay.   But for instance, I  
11     could have a conversation with you and have other  
12     people just be in the area, but was the  
13     conversation directly between the two of you and  
14     not third parties or other individuals involved?

15                THE WITNESS:   Third parties, most of the  
16     time there was other people involved in the  
17     conversations.

18                JUDGE MORAN:   Oh, really?

19                THE WITNESS:   Yes, Your Honor.

20                JUDGE MORAN:   Okay.   All right.

21                THE WITNESS:   Usually maintenance  
22     partner or a mill associate.

1 JUDGE MORAN: But they joined in the  
2 conversation that you were having or the  
3 discussion you were having?

4 THE WITNESS: Yes. Most of them, Your  
5 Honor.

6 JUDGE MORAN: Okay. Go ahead, Mr.  
7 Tidaback.

8 BY MR. TIDABACK:

9 Q So would you say by raising your voice  
10 in a confrontational and having confrontations is  
11 ever appropriate with your manager?

12 A It was more of a passionate type thing,  
13 you know. I'm passionate about my job. If I  
14 asked about a guard or something and then he kept  
15 talk walking away, naturally I would yell so he  
16 could hear me.

17 JUDGE MORAN: So there was some  
18 friction?

19 THE WITNESS: Yes, Your Honor. I was  
20 not fed up, but getting -- it was very frustrating  
21 to try and get things fixed or to get things  
22 resolved.

1 JUDGE MORAN: Okay. Go ahead.

2 BY MR. TIDABACK:

3 Q Were you in a position to make decisions  
4 as a shift lead?

5 A No.

6 Q Is it appropriate to believe that your  
7 manager is the one that has all the information to  
8 make those decisions to make things happen?

9 A Yes.

10 Q Okay. So do you think it's appropriate  
11 that a subordinate should raise their voice in  
12 angst or anger with their manager?

13 A If anything ever would have been said to  
14 me about raising my voice in front of John Spears,  
15 I would have never done it again.

16 Q Okay. All right. If we can refer to  
17 Secretary Exhibit P38 titled Burman termination  
18 letter.

19 JUDGE MORAN: Okay. Let me get that in  
20 front of me. P38?

21 MR. TIDABACK: Yes, Your Honor.

22 JUDGE MORAN: Yes. I remember this

1 exhibit. Tell me when you're there, Mr. Baumann.

2 THE WITNESS: One second, Your Honor.

3 Okay.

4 JUDGE MORAN: Go ahead, Mr. Tidaback.

5 BY MR. TIDABACK:

6 Q Do you agree that listed reasons of the  
7 termination -- excuse me, for the termination are  
8 the following: Poor performance, lack of  
9 leadership and for failure to follow procedures  
10 and guidance given by your supervisor?

11 A Which page are you on?

12 Q P38 is the Baumann termination letter.

13 A This termination letter is to Cameron  
14 Bindle.

15 JUDGE MORAN: You're not on P38, then.  
16 This is the letter signed by you, Mr. Tidaback?

17 MR. TIDABACK: Yes, Your Honor.

18 THE WITNESS: Okay. Now I'm there.  
19 Sorry, Your Honor.

20 JUDGE MORAN: I actually have a problem  
21 with the way that you phrased the question. I  
22 think you have to say, Mr. Baumann, do you see

1 that in this letter that American Tripoli asserted  
2 the following. Okay. Because you're asking him  
3 to in effect agree -- your question as originally  
4 posed asked him to agree almost to the correctness  
5 of the assertion, which is different. Do you  
6 understand that? The way you phrased it, you  
7 know, it sounded like if he says yes, I saw that,  
8 or yes. If he just simply answers yes, it could  
9 be construed as an admission as to the allegations  
10 in that letter, and by that I mean, lack of  
11 leadership skills.

12           You know, it's one thing to say is that  
13 what it says in the letter. You can also say to  
14 him, do you agree that you showed lack of  
15 leadership skills. You can ask him that,  
16 etcetera. Okay? So make another stab at it. You  
17 have that in front of you now?

18           THE WITNESS: Yes, Your Honor.

19           JUDGE MORAN: Go ahead, Mr. Tidaback.

20           BY MR. TIDABACK:

21           Q     So on that termination letter, the  
22 listed reasons, does it state poor performance,

1 lack of leadership skills and for failure to  
2 follow procedures and guidance given by your  
3 supervisor?

4 JUDGE MORAN: Do you agree that that's  
5 what the letter states?

6 THE WITNESS: Yeah, that's what the  
7 letter states.

8 BY MR. TIDABACK:

9 Q Okay. Do you agree that you were given  
10 that termination letter?

11 A Yes.

12 Q Okay. So -- and this was given to you  
13 by Mr. Spears?

14 A Yes.

15 Q Okay. And Mr. Spears is your  
16 supervisor?

17 A Yes.

18 Q Okay. All right. So you agree that  
19 that is your termination letter?

20 A Yes. This is the letter I received  
21 April 17th.

22 Q And at the bottom of the letter, the



1 last sentence, paragraph, it deals with if you  
2 have any questions please bring them forward to  
3 me.

4 A "If you have any questions or concerns  
5 about this decision, please do not hesitate to  
6 contact me."

7 Q Okay. Did you happen to contact me?

8 A Yes. I mailed a letter with a request  
9 for my final paycheck stub on paper to the address  
10 that I had, which was in Harrisonville, Missouri,  
11 I believe, to an office, and I never got a  
12 response, nor my last paycheck stub on paper.  
13 When John handed me this letter I immediately --  
14 he said, I'm sorry. Russell, told me to let you  
15 go, and he handed me the letter. I didn't even  
16 read the letter until I left the building, because  
17 -- because of the prior instances the previous  
18 week, I knew what it was about, in my opinion,  
19 Your Honor.

20 So I read this after I was gone, and I  
21 wanted to request a last paycheck stub. So I  
22 wrote -- I wanted some detailed reasons and my

1 final paper paycheck stub to prove that I had  
2 gotten all my PTO or accrued time and all that  
3 included in on that, and I never got a response.

4 JUDGE MORAN: Okay. So you're telling  
5 me that this letter, which is P38, that this  
6 letter was handed to you by Mr. Spears?

7 THE WITNESS: Yes.

8 JUDGE MORAN: And that you didn't read  
9 it at that moment or later, and then you sent this  
10 letter to them and among the things in your letter  
11 was a request for your last paycheck?

12 THE WITNESS: Yes, Your Honor.

13 JUDGE MORAN: And your testimony is that  
14 even today as we sit here, you have not received  
15 payment for that last paycheck? That's still  
16 outstanding?

17 THE WITNESS: I have received payment.  
18 I just wanted a copy of the last paycheck stub  
19 with the detailed -- yes. I was locked out of  
20 Teams, and that's how you looked, looked at your  
21 paycheck and your hours worked.

22 JUDGE MORAN: Okay.

1           THE WITNESS: So I never was fully aware  
2 of whether I got paid for the four hours for the  
3 getting sound during the shutdown plus the four  
4 hours the next day. I never -- never knew that  
5 for sure because I couldn't look it up and that's  
6 why -- and I asked the request, after I had talked  
7 the MSHA inspector, after I was terminated.

8           JUDGE MORAN: Court Reporter, are you  
9 getting all of this?

10          COURT REPORTER: Yes, I am.

11          JUDGE MORAN: Okay. Thank you. Go  
12 ahead, Mr. Baumann. Mr. Tidaback, excuse me.

13          BY MR. TIDABACK:

14          Q       Were you ever given a paper copy of your  
15 pay stub from --

16          A       No.

17          Q       Okay. Where did you get your pay stubs  
18 from?

19          A       From the Teams. ADT.

20          Q       ADP?

21          A       Yes. Which I had to get through through  
22 Teams.

1 Q ADP you accessed through the internet,  
2 not through Teams. Is that correct?

3 A I always went through Teams and hit the  
4 ADT box.

5 JUDGE MORAN: Let's not spend a lot of  
6 time on this. This is really a tangential issue  
7 about pay stubs and how he received. Let's get  
8 back to the heart of the matter.

9 BY MR. TIDABACK:

10 Q The address, I just have a question on  
11 the address. You said you sent it to  
12 Harrisonville?

13 A Yes. The only paper thing that I had  
14 with American Tripoli on it had a -- I can't even  
15 remember what it was -- the office address was  
16 Harrisonville, Missouri. The mailing address, or  
17 shipping address was to Seneca, Missouri.

18 Q But if we look at the termination  
19 letter, right across the top is our address.

20 JUDGE MORAN: Okay. But see, we're  
21 really going down something that's really not --  
22 I'm not going to make a finding of fact as to

1 where he sent this letter and what was on top of  
2 the letter for the mailing address. That would be  
3 something that's not an element that I have to  
4 decide.

5 MR. TIDABACK: Yes, Your Honor, I  
6 apologize. I'll just -- okay.

7 BY MR. TIDABACK:

8 Q So do you know how many pounds per hour  
9 of OGR was the production goal?

10 A It was never directed -- directly said  
11 to me. It was an understanding that we wanted to  
12 get 40,000 pounds per day.

13 JUDGE MORAN: And what does OGR stand  
14 for? Do you know what that means?

15 THE WITNESS: Once ground rose.

16 JUDGE MORAN: I'm sorry?

17 THE WITNESS: Once there were multiple  
18 grades of the material we ran and it would stand  
19 for once ground rose.

20 JUDGE MORAN: You can't testify but you  
21 can ask him another question to further explain  
22 that.

1 MR. TIDABACK: Yes, Your Honor.

2 BY MR. TIDABACK:

3 Q So in January of 2012, in the mill  
4 management group -- I'm sorry, January 12th of  
5 2023 in the mill management group, you don't  
6 recall a message where there was a question from  
7 me tagged you, so it would have highlighted and  
8 notified you that you were leaving a direct  
9 message and myself asking you make sure that you  
10 do the shift lead closeouts at the end of each  
11 day, and it lists the closeouts?

12 JUDGE MORAN: Do you recall that, sir?

13 THE WITNESS: No, Your Honor, I do not.

14 JUDGE MORAN: Okay. That's his answer.

15 BY MR. TIDABACK:

16 Q Okay. And do you recall on January 13th  
17 a Teams message in the same mill management chat  
18 group, a discussion about an order that was --  
19 that was received by an I1 customer and they  
20 received it incorrectly, and in that discussion we  
21 discussed how many pounds per hour OGR was the  
22 production goal?

1           A       Is there a message that I can look at?  
2       Maybe it would recall.

3                   JUDGE MORAN:   Just because --

4                   THE WITNESS:   I don't recall that.

5                   JUDGE MORAN:   Excuse me.   Let's not talk  
6       over one another.   Mr. Tidaback is asking you a  
7       question whether you recall this event that he  
8       just described, and because I believe this  
9       question is based upon the exhibit that he  
10      proposed but I could not admit, that's where we  
11      are.   So if I were to show -- I would have him  
12      show you the exhibit, that would be a back door  
13      route to what I said he couldn't do.   So his  
14      question is do you recall this event?

15                  THE WITNESS:   I recall an event of an  
16      order being messed up, but I do not recall any of  
17      the other conversation.

18                  JUDGE MORAN:   All right.

19                  BY MR. TIDABACK:

20                Q       With your statement of an order being  
21      messed up, who was the last person, the quality  
22      control responsibilities as for American Tripoli?

1           A       Whoever loaded the truck. We always  
2       took pictures of the truck after it was loaded to  
3       prove that it was loaded correctly with the  
4       picture of the bill of lading and stuff.

5                   JUDGE MORAN: Good idea.

6                   THE WITNESS: Yes. So I don't recall  
7       who loaded that truck.

8                   BY MR. TIDABACK:

9           Q       But you do remember now that specific  
10       order that was -- because you just stated I don't  
11       remember who loaded the truck, so you know which  
12       order we're talking about?

13          A       All I recall is an order that a customer  
14       had a complaint about. I do not recall the  
15       specific order or when it was shipped out or who  
16       loaded it or anything like that.

17          Q       So you -- sorry to interrupt. So you  
18       remember the conversation now, though. Correct?

19          A       I just remember questions about an  
20       order.

21          Q       About a specific order that since you  
22       think that order was messed up?



1           A       Not a specific order.

2                   JUDGE MORAN: Let's not talk over one  
3 another, okay. Go ahead.

4                   THE WITNESS: Sorry.

5                   JUDGE MORAN: He's taken this as far as  
6 he can. He says he remembers there was an issue  
7 with the order, and his -- you've exhausted his  
8 memory about this particular matter.

9                   BY MR. TIDABACK:

10           Q       On that specific one. Okay. So were  
11 there order -- were there other conversations with  
12 you regarding quality control of bags leaving the  
13 mill, received by a customer with the bags ripped,  
14 spillage of material falling out of the bags?

15           A       Nothing was ever directed towards me  
16 specifically on those. I recall seeing messages  
17 about some ripped bags, but that's to my  
18 recollection.

19           Q       Okay. And you had just mentioned here a  
20 second ago the BOL. Can you explain what the BOL  
21 is?

22           A       Bill of lading.

1           Q     Okay. Can you explain what a bill of  
2     lading is?

3           A     A paperwork that goes with a shipment  
4     that says what is in the shipment and where it's  
5     going.

6           Q     So it's the contract for the shipper and  
7     the customer?

8           A     I don't know whether it's a contract or  
9     not. It was just a paper that said where it was  
10    going and what was supposed to be going.

11                JUDGE MORAN: So he's described it  
12    there.

13                BY MR. TIDABACK:

14           Q     And in that paperwork for the driver of  
15    the truck to pick it up, he has to know what's in  
16    that truck. Correct?

17           A     Yes. A driver always signed for it.

18           Q     Signed for the --

19           A     Yes.

20           Q     -- material that he's picking up.  
21    Correct?

22           A     Yes.

1           Q     So if there were material leaving our  
2     warehouse damaged, the driver wouldn't take it.  
3     Is that correct?

4           A     Yes.

5           Q     Okay. So back to the question on the  
6     original, how many pounds per hour of OGR was the  
7     production goal?

8           A     I have no idea. I never -- it never got  
9     reiterated to me. Just the goal was to try and  
10    get 40,000 pounds per day.

11          Q     So the -- you just stated this daily  
12    goal was 40,000 pounds per day?

13          A     That was the -- yeah, that was the  
14    target goal.

15          Q     Okay. So how many pounds per hour of  
16    OGR would have been the production goal? If the  
17    day was 40,000 pounds, how many hours per day did  
18    you guys run production?

19          A     Approximately six and a half, most of  
20    the time, six to six and a half.

21          Q     So it's safe to say that you'd just  
22    divide that six and a half by 40,000?

1           A       Yes.

2           Q       Okay. How many times were you able to  
3 achieve that?

4           A       I honestly don't know. We had good days  
5 and we have bad days.

6           Q       So you were able to achieve that?

7                   JUDGE MORAN: He just expressed, he  
8 said, inferentially there were good days and bad  
9 days. I assume by a good day you mean you met  
10 that goal?

11                   THE WITNESS: Or close to it, Your  
12 Honor. We were -- John Spears and everybody  
13 seemed very pleased if we were getting 350 to --  
14 380 bags was a really good day, in our opinions.

15                   JUDGE MORAN: I know I asked you and I  
16 didn't catch it and I decided not to pursue it.  
17 For the OGR is what Mr. Tidaback is talking about.  
18 And OGR stands for what?

19                   THE WITNESS: Once ground rose product.

20                   JUDGE MORAN: Once ground rose.

21                   THE WITNESS: The rose being the color,  
22 the once ground being the how gritty it is.

1 JUDGE MORAN: Okay. Thank you.

2 BY MR. TIDABACK:

3 Q Did you ever express that you did not  
4 want to push the system?

5 A Yes.

6 Q Okay. Would it be surprising to you  
7 that Mr. Spears expressed that he did not know why  
8 you were shy to put more material in there than  
9 you do at a time to get the production goals met  
10 per day?

11 MS. O'REILLY: Objection, he's  
12 testifying what other people have said.

13 JUDGE MORAN: Well, you can rephrase the  
14 question, which is just to say, did Mr. Spears  
15 ever express to you or question you as to why you  
16 couldn't meet these production goals. Is that the  
17 essence of your question?

18 MR. TIDABACK: So I can rephrase it,  
19 Your Honor?

20 JUDGE MORAN: Yes.

21 BY MR. TIDABACK:

22 Q Did Mr. Spears ever ask you why you're

1 not putting more material in the system?

2 A Yes.

3 Q Okay. And I explained to him there was  
4 just so many different factors in running the  
5 product, you know, being the weather, and then the  
6 machinery, if the charge got low in the tube mill  
7 and you overfed it, you would clog everything up,  
8 or if I overfed it, it would create a lot more  
9 dust in the building. So you kind of had to -- my  
10 goal was to find the happy medium where I could  
11 feed it constantly without overfeeding it, keeping  
12 the dust down and keeping the machinery running  
13 all at once, because if one piece of the cog  
14 broke, it shut the whole thing down, because it's  
15 all got to work in -- through the system at the  
16 same time, you know what I'm getting at?

17 JUDGE MORAN: And in answer to Mr.  
18 Tidaback's question, so are you telling me that  
19 you did explain to Mr. Spears --

20 THE WITNESS: Yes, Your Honor.

21 JUDGE MORAN: -- the problems of trying  
22 to overtax the system?

1           THE WITNESS: Yes, Your Honor. Multiple  
2 times.

3           JUDGE MORAN: Multiple times.

4           THE WITNESS: Yes, Your Honor. We were  
5 -- Mr. Spears and I, multiple positive  
6 conversations on how to get more product through  
7 the system, but yes, I explained.

8           JUDGE MORAN: Mr. Spears, by the way, is  
9 he still employed with you?

10          MR. TIDABACK: Yes, Your Honor. He's  
11 the operational manager.

12          JUDGE MORAN: Go ahead.

13          BY MR. TIDABACK:

14          Q     So, again, Mr. Spears had come to you  
15 and say we need to get more material through the  
16 system?

17          A     Mr. Spears was all about putting the  
18 material through the system at any cost.

19          Q     Okay. So has Mr. Spears ever assisted  
20 and any other mill members assist you with  
21 monitoring the dust issues and assisting on how to  
22 fix those issues?

1 A Yes.

2 Q Okay. So do you recall being -- having  
3 to be told or reminded about inputting timecards  
4 into shifts after days have gone by?

5 A No.

6 Q You don't recall?

7 A No, I do not.

8 JUDGE MORAN: He's answered that  
9 question.

10 BY MR. TIDABACK:

11 Q Okay. If you were to recall that, or if  
12 a -- if a subordinate had to be reminded numerous  
13 times to perform their duties, wouldn't you  
14 consider that underperforming in their job?

15 MS. O'REILLY: Objection, calls for  
16 speculation.

17 JUDGE MORAN: Yes. I sustain the  
18 objection.

19 BY MR. TIDABACK:

20 Q If you were having to be reminded to  
21 input data into the daily production spreadsheet,  
22 would you feel you were underperforming in that



1     role?

2                   MS. O'REILLY:  Objection, calls for  
3     speculation.

4                   JUDGE MORAN:  He can't express that.  If  
5     you were being told repeatedly that you were, what  
6     was the --

7                   MR. TIDABACK:  Inputting timecards into  
8     shifts, which is what we record the hours so that  
9     they can get paid.  That was part of the  
10    production lead's role, and also, inputting the  
11    daily production spreadsheet so that we can adjust  
12    the production calendar online so the customers  
13    know what we're producing the next day.

14                  JUDGE MORAN:  Okay.  Just to amplify  
15    that question.  So would you agree that if  
16    hypothetically you were failing to do that, that  
17    would be inconsistent with your job  
18    responsibilities?

19                  THE WITNESS:  Yes.

20                  JUDGE MORAN:  And did you fail to do  
21    those kinds of things?

22                  THE WITNESS:  Not without a really good

1 reason not to.

2 JUDGE MORAN: What would be a really  
3 good reason not to?

4 THE WITNESS: Internet issues or when I  
5 started leaving early they weren't done producing,  
6 so I couldn't input the numbers at the end of the  
7 day. And then the time clock issues would have  
8 been -- I'm trying to recall an instance, Your  
9 Honor. Would have been maybe the whole, because  
10 -- because of the wanting no overtime, if somebody  
11 worked over or came in early, you know, if they  
12 left, they would like comp hours kind of. We  
13 would try and work with the mill associates on  
14 that. So that would impede putting in the hours  
15 would be the only thing that I could recall on any  
16 problems there.

17 JUDGE MORAN: So is it your testimony  
18 that, to the best of your recollection, you tried  
19 to do these tasks, and if you were unable to do  
20 it, there was some reason for it as you just  
21 described. Is that correct?

22 THE WITNESS: Yes, Your Honor.

1 JUDGE MORAN: You didn't -- my  
2 understanding of your testimony is that you didn't  
3 disregard your responsibilities in this respect?

4 THE WITNESS: No, Your Honor.

5 JUDGE MORAN: Okay. That's his  
6 testimony.

7 BY MR. TIDABACK:

8 Q And you don't recall that being multiple  
9 days in rows or time and --

10 A No, Your Honor, I don't recall.

11 Q And the shifts -- excuse me, and Teams  
12 does have a role, which includes production  
13 schedule, production calendar, shifts. That was  
14 accessible at home or anywhere in the world.  
15 Correct?

16 A Yes. I never accessed it at home unless  
17 there was a question or something because it was  
18 my personal time and I was not getting paid for  
19 it, so.

20 Q Okay. In your testimony yesterday you  
21 had mentioned letting people go early. If you're  
22 letting people go early when there are things such

1 as housekeeping items or even assisting  
2 maintenance tasks to keep people safe around the  
3 mill, would you consider that as underperforming  
4 in your tasks?

5 A No, because there was never really any  
6 letting them go or sending them. They always  
7 asked, and it always went through the approval  
8 process.

9 Q Okay. So with that, if we're getting  
10 customer complaints about bags being ripped when  
11 they're received, and the production, or excuse  
12 me, and the shift lead is the person that reviews  
13 the BOL, ensures that the BOL is correct, ensures  
14 the driver is signing for those documents, if  
15 those -- and plus customer complaints as you  
16 mentioned earlier fall in under the responsibility  
17 of the shift lead, would you receive -- would you  
18 perceive that as underperforming in your role?

19 MS. O'REILLY: I would object that  
20 that's misstating the testimony and assuming facts  
21 not in evidence. I don't believe there's been any  
22 testimony --

1 JUDGE MORAN: He asking -- I'm going to  
2 overrule the objection. He's asking a  
3 hypothetical question whether those things  
4 occurred would that be inconsistent with your job  
5 responsibilities.

6 THE WITNESS: That's an interesting  
7 question, Your Honor, because I was not ever  
8 tasked, trained or assigned that duty. We'd  
9 always had a shipping person that was responsible  
10 for printing the BOLs, responsible for coming over  
11 to make sure everything got loaded, but there was  
12 so much turnover that, yes, in instances that was  
13 my responsibility because there was no one else.  
14 But there was percentage of the time that there  
15 was shipping people that was their job. I can't  
16 remember the exact title, but yeah.

17 JUDGE MORAN: Okay. So he's answered  
18 your hypothetical as best as can be done.

19 MR. TIDABACK: Thank you, Your Honor.

20 BY MR. TIDABACK:

21 Q In the ten months that you were there,  
22 Mr. Huber, which has four or five years experience

1     there, as shift lead and as a mill associate.

2                 JUDGE MORAN: But you're testifying now.

3                 MR. TIDABACK: Oh, sorry.

4                 BY MR. TIDABACK:

5                 Q     During that entire -- okay. Sorry, Your  
6     Honor. Okay. Do you recall testifying yesterday  
7     that you walked around and checked the scrolls --  
8     okay, well, let me back up.

9                 And we see exhibit, Secretary Exhibit  
10    P14. It's titled the Daily Workplace Inspection,  
11    Your Honor.

12                JUDGE MORAN: Okay. Let's all turn to  
13    P14. Take me a minute to get past P13, being  
14    nearly 500 pages. Are you there yet?

15                THE WITNESS: Yes, Your Honor.

16                JUDGE MORAN: Okay. Are we on P14?  
17    Okay. Go ahead, Mr. Tidaback.

18                BY MR. TIDABACK:

19                Q     So if you were told to do the workplace  
20    exams and you did them starting in November of  
21    2022, why would we get citations for them in  
22    February 2023?

1 JUDGE MORAN: Repeat that question one  
2 more time.

3 MR. TIDABACK: Yes, sir, yes, sir.

4 BY MR. TIDABACK:

5 Q So if Mr. Baumann was told to do  
6 workplace exams and he was doing them starting in  
7 November of 2022, for the referenced timeframe  
8 that the Secretary asked for is the report that it  
9 shows, why would we, again, get citations for  
10 workplace exams in February of 2023?

11 MS. O'REILLY: Objection, calls for  
12 speculation.

13 JUDGE MORAN: Yeah, and I sustain the  
14 objection. See, as I tried to express yesterday,  
15 maybe not as well as I could have, we're not going  
16 to get into trying in this matter particular  
17 citations and because that's just going far afield  
18 of the issues here.

19 MR. TIDABACK: Yes, Your Honor.

20 JUDGE MORAN: As I tried to alert you to  
21 yesterday, you've suggested during your cross  
22 examination, which is ongoing now, you suggested

1 through your questions that that were failures on  
2 the part of Mr. Baumann in performing his job.  
3 Right? And one way you can prove that is by  
4 asking him questions, and he's answered those to  
5 the best of his ability. Another way to prove  
6 that will be through subsequent witnesses.

7 MR. TIDABACK: Correct.

8 JUDGE MORAN: But I want you to know  
9 because I'm being upfront about this, that at this  
10 point at least seems like there's a more  
11 fundamental problem in that unless you can show  
12 documentation, not just -- not just testimony that  
13 might come from you or Mr. Spears about  
14 shortcomings alleged in Mr. Baumann's job  
15 performance. Remember I used that term  
16 backfilling?

17 MR. TIDABACK: Yes, Your Honor.

18 JUDGE MORAN: You have done this for a  
19 decade and I have done administrative trials for  
20 25 years in other agencies.

21 MR. TIDABACK: Yes, sir.

22 JUDGE MORAN: And just focusing on my



1 mine safety decade of hearing cases, the normal  
2 course of business is that a person gets something  
3 written. There's a document saying, you know,  
4 Dear Mr. Baumann, you have not done thus and so,  
5 and this is a warning. This will be in your  
6 personnel file, and then typically the arrangement  
7 is a second warning may result in a suspension.

8 I'm not saying this is always the case,  
9 but my point is that without documentation of the  
10 problems as they occurred or shortly thereafter  
11 there's a big problem here with attempting to say  
12 now after he's discharged, we had these problems  
13 back then. And the question, the natural question  
14 would be, well, why wasn't something written,  
15 handed over to Mr. Baumann warning him of his  
16 shortcomings. At this point, and unless you have  
17 it within your various RA exhibits, that seems to  
18 be a serious lacking aspect of your defense. So  
19 I'm telling you about that now.

20 MR. TIDABACK: Yes, Your Honor. And I  
21 recall you stating that yesterday. That's why we  
22 threw everything that we had in the search Teams

1 or Teams, because it is a collaborative tool.  
2 That's where all the documentation and  
3 communication and elaboration is, so we put that  
4 together based off the information. And that was  
5 to show that there was some history behind it, and  
6 that's the whole thing.

7 JUDGE MORAN: But in the normal course  
8 of business a disciplinary action, whether it be  
9 called a warning, there would be -- it wouldn't be  
10 in the context of a Team chat unless the chat was  
11 just between you, Mr. Spears, and the Complainant,  
12 and that would be -- it would be not something  
13 that some vague elusion to a bag that was ripped  
14 and whether he was responsible for that and who  
15 looks at the bill of lading, and whether truck  
16 drivers are checking everything. All of that is  
17 -- what's missing is if he were deficient, as you  
18 allege here, there would be a record of that. Not  
19 just through Team chats, but the normal course of  
20 business is when an employer is unhappy with their  
21 employees, those employees get notified of it.

22 MR. TIDABACK: Correct.

1 JUDGE MORAN: They have to advise that  
2 they have to make certain corrections or something  
3 more serious will come down.

4 MR. TIDABACK: Correct.

5 JUDGE MORAN: And I haven't heard any of  
6 that.

7 MR. TIDABACK: Not yet, Your Honor. I  
8 have a timeline that I'm creating on all our  
9 managers and key personnel. It's one the  
10 exhibits. It is provided. That shows that the  
11 conversations, even the phone conversations that  
12 Mr. Baumann and I had, the counseling in the  
13 control room, Mr. Baumann -- I try not to testify.  
14 I understand 100 percent.

15 JUDGE MORAN: I can't be in the business  
16 of interpreting a conversation. Typically in a  
17 business you need something harder than that, than  
18 just, see, we spoke on this date and we said thus  
19 and so, because if it wasn't -- if there wasn't  
20 something accompanying that saying now you're on  
21 notice, okay, that you had failed to examine  
22 guards, for example, and this has to stop. If

1   there isn't some sort of a warning letter with a  
2   progression typically in it, then you've got an  
3   evidentiary problem because everything I've heard  
4   thus far --

5               MR. TIDABACK:   We were following --

6               JUDGE MORAN:   Excuse me -- sounds -- has  
7   the aroma of backfilling.   In other words, after  
8   he's discharged what can we create from Teams  
9   chats or whatever to show that he was not doing  
10   his job.   But if you were able to show that in  
11   these Teams chats there were references to  
12   deficiencies, seems like the natural order of  
13   business would have been here's your warning.  
14   You're now advised.   This has to stop.

15              MR. TIDABACK:   And, Your Honor, we hired  
16   and had high expectations for Mr. Baumann to  
17   potentially be higher positions later on.   Mr. --  
18   he worked with Christine Schreiber, so we took --  
19   she was our operations manager at the time.   So we  
20   took her input and we had plans for Mr. Baumann.

21              JUDGE MORAN:   See, that's beside the  
22   point in this proceeding -- proceeding, excuse me.

1 If you had high aspirations doesn't help me decide  
2 whether he was deficient and therefore, discharge  
3 was -- in other words, termination was warranted.  
4 We got to keep focused on those very basic  
5 elements which I expressed at the start of the  
6 hearing.

7 MR. TIDABACK: Yes, sir.

8 JUDGE MORAN: It is rather a simple  
9 process.

10 MR. TIDABACK: Yes, Your Honor, and that  
11 is part of our learning process, as we should say,  
12 but we were also following the guidelines of our  
13 policies and procedures as well as that of  
14 Missouri being a right to work state. So I think  
15 we -- I agree 100 percent what you said. We are  
16 learning on that whole documentation process,  
17 because we have other past employees where every  
18 do -- i's was dotted and t's was crossed, but in  
19 the case of Mr. Baumann we had higher hopes --

20 JUDGE MORAN: Now you're going -- again,  
21 you're going astray, and de facto, I mean, in fact  
22 as opposed to de jure, you're testifying.

1 MR. TIDABACK: I'm trying not to, Your  
2 Honor.

3 MS. O'REILLY: He's been testifying the  
4 last five minutes.

5 JUDGE MORAN: Yes. For the record, none  
6 of Mr. Tidaback's statements will be considered as  
7 evidence unless he's actually sworn in and  
8 testifies he elects to do that. I have to, in all  
9 candor, when you're telling me these things, you  
10 know, I've been mindful that remember I've told  
11 you about there's a predicate to someone being  
12 discharged. Predicate meaning something happens  
13 before and that person is notified. Not in a  
14 casual conversation, but they get effectively a  
15 warning.

16 Now, part of the jigsaw puzzle here is  
17 also that during the time of his employment there  
18 were some communications that have been admitted  
19 in Teams chat where Mr. Spears and/or you, don't  
20 hold me to the particulars, that you weren't  
21 exactly thrilled about MSHA or about conversations  
22 with inspectors. So that's part of the backdrop,

1 too. This is just in the record right now. So  
2 that's another element that I have to consider in  
3 deciding whether Mr. Baumann had -- there was  
4 cause for him to be terminated, because this all  
5 goes to the second phase.

6 I mean, you really haven't challenged  
7 the first part, protected activity and adverse  
8 action. You have -- as far as I know on the  
9 record right now, we have several instances of  
10 protected activity based on the testimony of Mr.  
11 Baumann, and we also have undeniably adverse  
12 action. So the thrust of your defense has really  
13 been about, yes, but we would have fired him  
14 anyway because he wasn't doing his job. All  
15 right? But part of the piece of the puzzle is to  
16 look at those communications about MSHA and about  
17 employees speaking with MSHA inspectors and some  
18 of the other colorful language in there about MSHA  
19 and inspectors and speaking with them.

20 So I made a little soliloquy here, but  
21 I'm done but now I want you to, if you have now  
22 ground to talk to -- to ask questions of Mr.

1 Baumann, proceed with that now. Okay?

2 MR. TIDABACK: Yes, Your Honor.

3 BY MR. TIDABACK:

4 Q Okay. So is it fair to state that  
5 guarding and housekeeping in MSHA -- that MSHA  
6 inspector cited us for would have been noticed on  
7 a workplace inspection?

8 JUDGE MORAN: You know, I'm surprised  
9 there wasn't a question -- objection to that.  
10 That question is so broad to be incapable of  
11 answering, so I'm telling you that question is  
12 rejected.

13 MR. TIDABACK: Yes, sir. The question  
14 was directed to show more evidence Mr. Baumann was  
15 lacking in performance.

16 JUDGE MORAN: But it doesn't do that.

17 MR. TIDABACK: Okay. Yes, Your Honor.

18 BY MR. TIDABACK:

19 Q So in your testimony, and you reference  
20 in Secretary's Exhibit P13 on Page 54.

21 JUDGE MORAN: Okay. Wait one second  
22 now.



1 MR. TIDABACK: Yes, Your Honor, it's  
2 P13.

3 JUDGE MORAN: You really asked no  
4 questions that I saw on P14. You have moved from  
5 that?

6 MR. TIDABACK: Yes, Your Honor. One of  
7 the results behind that, of the workplace exams  
8 about the guarding, if he was doing the workplace  
9 exams, the guarding and the housekeeping would  
10 have been noted on those. But I may have asked  
11 the question improperly and you have rejected  
12 there.

13 JUDGE MORAN: All right. So we're off  
14 of P14.

15 MR. TIDABACK: Yes, Your Honor.

16 JUDGE MORAN: What page are you looking  
17 at?

18 MR. TIDABACK: P14.

19 JUDGE MORAN: Five four?

20 MR. TIDABACK: Five four, yes, Your  
21 Honor.

22 JUDGE MORAN: But my last comment as I

1 turn to Page 54, is I hope you can appreciate that  
2 at least at this point in the testimony there's a  
3 fatal flaw on the Respondent's part in terms of  
4 evidentiary proof that Mr. Baumann would have been  
5 discharged for his failure to perform his job  
6 properly. There's no documentary evidence, and  
7 something like P14 doesn't get you there, because  
8 I told you we're not going to be trying citations  
9 and therefore making some sort of a linkage that  
10 citation would never have been issued if Mr.  
11 Baumann, who was -- what you need and still need  
12 and may not be available is the documentation that  
13 Mr. Baumann has been informed, hey, you're not  
14 doing your job. Here are other defects. These  
15 have to be corrected or there will be adverse  
16 results. If you can't show this, this other stuff  
17 that you're trying to, such as through P14, it's  
18 just not going to get you there.

19 MR. TIDABACK: We were trying to provide  
20 linking, Your Honor, and right now we're only  
21 basing or the Court is only basing everything off  
22 of just Mr. Baumann.

1 JUDGE MORAN: That's right. I'm not  
2 speaking about what might come. I'm not deciding  
3 the case at this point in time at all. I'm just  
4 talking about what's in front of us now. So now,  
5 Page P54?

6 MR. TIDABACK: Yes, Your Honor.

7 JUDGE MORAN: What is your question  
8 about P54?

9 BY MR. TIDABACK:

10 Q In that statement, do you recall -- we  
11 are removing product from the floor now, but have  
12 directed the cleanup of that spillage.

13 JUDGE MORAN: I don't locate this on  
14 P54.

15 MR. TIDABACK: P13, Page 54.

16 JUDGE MORAN: I'm on Page 54, Mr.  
17 Tidaback. Where do you see that on that page  
18 here?

19 MR. TIDABACK: On the last, very bottom.  
20 Mr. -- Mr. Baumann's response. I don't know --  
21 idk I'm assuming means I don't know. This guy is  
22 out for blood. We are removing product from the

1 floor now. Do you see that?

2 THE WITNESS: Yes.

3 JUDGE MORAN: I don't. I'm sorry. So  
4 it's P13, Page 54.

5 MR. TIDABACK: P13, Page 54. It's the  
6 very last chat.

7 JUDGE MORAN: I do see something now.  
8 This is a message from you to Mr. Baumann. Right?

9 MR. TIDABACK: It is a reply from Mr.  
10 Baumann on date February 14th, 2-14 at 1:13 p.m.

11 JUDGE MORAN: It says idk, this guy is  
12 out for blood?

13 MR. TIDABACK: Yes, Your Honor.

14 JUDGE MORAN: Okay. Mine is apparently  
15 cut off. All I see on the bottom of Page 54 is  
16 idk. This guy is out for blood. We are moving  
17 from floor now. Is that all you're asking about?

18 MR. TIDABACK: We're removing product  
19 from floor now. Yes, Your Honor.

20 JUDGE MORAN: And what is your question?

21 BY MR. TIDABACK:

22 Q Who would have directed the cleanup of

1 the spillage?

2 A The MSHA inspector that day.

3 Q So MSHA is tasking our personnel?

4 A MSHA directed me on what was cited for  
5 previously, and when the MSHA inspector showed up  
6 Mr. Spears was not in the building. So I was  
7 escorting him in through the shop and he looked  
8 over and he said, they haven't started cleaning up  
9 the product in front of the electrical box yet.  
10 And I said, I will get the guys on it and start  
11 now. I didn't know that we were cited for it, is  
12 exactly what that was about.

13 Q Right. And in the -- in the spillage  
14 and you just mentioned they, who would have -- who  
15 is they, Mr. Baumann? Who is they? Who was they?

16 A What do you mean?

17 Q You said they haven't been cleaning up  
18 yet. Who is they?

19 A I didn't say they hadn't been cleaning  
20 up yet. It's an issue where there was product in  
21 front of the box, and we were told not to clean it  
22 up because they were going to feed it back through

1 the system.

2 Q Who is they, in your statement?

3 MS. O'REILLY: He not saying that. He  
4 said we were told.

5 THE WITNESS: Yeah, we were told.

6 JUDGE MORAN: I understand, Ms.  
7 Tidaback.

8 MR. TIDABACK: I'm just to the point  
9 when he's stating they, he is the one that is  
10 controlling they, so he would be the one that  
11 would be tasking them to clean up the spillage  
12 that the MSHA inspector said they haven't cleaned  
13 it up yet.

14 JUDGE MORAN: Let me just see if we can  
15 sort this out. You know, this reference that --  
16 are you on the bottom of Page 54?

17 THE WITNESS: Yes, Your Honor.

18 JUDGE MORAN: Help me out with the very  
19 basic thing. When it says idk this guy is out for  
20 blood, who's stating that?

21 THE WITNESS: I am.

22 JUDGE MORAN: You're stating that?

1 THE WITNESS: Yes.

2 JUDGE MORAN: And you say you're  
3 removing the product from the floor now?

4 THE WITNESS: Yes.

5 JUDGE MORAN: Mr. Tidaback's question  
6 was, was that you were directing that the product  
7 be removed from the floor.

8 THE WITNESS: Yes, Your Honor.

9 JUDGE MORAN: Does that answer your  
10 question?

11 MR. TIDABACK: Yes, Your Honor.

12 JUDGE MORAN: Again, so again, I'm going  
13 to come back to it if it's your position that it  
14 was his responsibility to remove the product from  
15 the floor, and probably your suggestion that it  
16 should have been removed before the citation was  
17 issued. What's the big flaw in your proof? I'm  
18 posing a question. The answer is, I'm going to  
19 tell you, you don't have any documentation that  
20 Mr. Baumann was warned about this incident and  
21 that it should not happen again. At least at this  
22 point in the record there's no papers that were

1 handed to him notifying him of his deficiencies.

2 So this -- I can't make any conclusions about this

3 one remark about this whole business, and I

4 certainly can't make the leap that somehow this

5 was his responsibility to take care of this, and

6 that by failing to take care of this he was at

7 fault and therefore, this was part of the grounds

8 for his eventual discharge. I can't do that. Not

9 based on this Teams charge -- Teams chat at P13,

10 Page 54. It's too big a leap. It requires

11 supposition on my part, which I can't deal with

12 supposition when I make decisions about the

13 validity of someone being terminated.

14 MR. TIDABACK: Without me going into  
15 testimony --

16 JUDGE MORAN: Right. We can't do that.

17 MR. TIDABACK: -- I can't give you the  
18 information that you need with what you're asking.  
19 I just asked a question.

20 JUDGE MORAN: Okay. We'll weight that,  
21 if it comes.

22 MR. TIDABACK: Okay.



1 JUDGE MORAN: Remember, if it's just  
2 something all that's a problem. If it's just, you  
3 know, I warned Mr. Baumann that he would be fired,  
4 you can ask him if you ever warned that he would  
5 be fired for and the named incidents and he can  
6 answer, yes, I was warned, or no, I was never  
7 warned, or I don't remember. I don't know what  
8 his answers could be. Okay? So how many more  
9 questions do you have to ask of Mr. Baumann, sir?

10 MR. TIDABACK: I've got more pages.

11 JUDGE MORAN: Okay. Well, go ahead.

12 MR. TIDABACK: And I am trying to  
13 provide the linking that is required to provide  
14 that information for you.

15 JUDGE MORAN: Well, you just suggested,  
16 though, that the linking, if it comes, will come  
17 either from the testimony of you, if you decide to  
18 testify, or from Mr. Spears or some other employee  
19 witness. All right?

20 MR. TIDABACK: Correct.

21 JUDGE MORAN: Just -- I think you can  
22 quickly go through the questions you need to ask

1 of Mr. Baumann about his job performance and  
2 deficiencies, and whether you or anyone else  
3 alerted him to deficiencies and he can say yes, I  
4 was told I wasn't doing this job well enough or  
5 no, I was never told that or I don't recall that.  
6 I don't know what his answers will be, so proceed  
7 with your questions. Let's see if we can pick  
8 this up.

9 MR. TIDABACK: Okay.

10 JUDGE MORAN: The pace here I'm talking  
11 about.

12 MR. TIDABACK: I understand, Your Honor.  
13 Yes, sir.

14 BY MR. TIDABACK:

15 Q Let's see. Okay. In referencing to --  
16 P14, Page 54, cleaning up the spillage, that is  
17 part of housekeeping. Is that correct?

18 A Yes.

19 Q Okay. And reference to P13 on Page 54,  
20 titled Teams chats, I messaged you and John to  
21 make notes about the inspection, and your  
22 testimony yesterday that had the Secretary asked

1 if you had made those notes as directed by Russell  
2 and you stated that you didn't do this them.  
3 Would this not be considered an act of  
4 disobedience?

5 A Yes. But I never got any specific, and  
6 I asked John Spears what specifically we were  
7 supposed to write down or what the actual -- what  
8 the actual reasoning -- what I was supposed to  
9 remember, and I forgot to ask that, so no, I did  
10 not.

11 Q But just to clarify, though --

12 A Yes.

13 Q -- would you consider as that as an act  
14 of disobedience of not following directions?

15 A Yes.

16 Q So thank you. We hired other  
17 individuals to assume some of your  
18 responsibilities. Were you informed of this  
19 decision?

20 A No.

21 Q Do you recall having the conversation  
22 about what tasks would help you if we got you an

1 assistant?

2 A I never was aware that I was ever --  
3 that assistant was ever hired for me. The role.

4 Q Okay. So we've seen Respondent Exhibit  
5 RX.

6 JUDGE MORAN: I just want to note for  
7 the record that as we're turning to RX that at  
8 this point in time there is one exhibit admitted  
9 for the Respondent and that is Exhibit RA.

10 MR. TIDABACK: I would like to submit an  
11 Exhibit RX. I'm just -- I'm at a loss of  
12 understanding, I guess, what the Court needs other  
13 than all the exhibits that I have submitted, so I  
14 don't know that process, Your Honor.

15 JUDGE MORAN: Well, this is not a tough  
16 one. Exhibit RX -- just let me finish now.  
17 Exhibit RX is a one-page exhibit. It's dated  
18 August 24th, 2022 to a Mr. Schallenberger. And  
19 this is an exhibit that the Secretary received in  
20 the exchange?

21 MS. O'REILLY: Yes, sir.

22 JUDGE MORAN: And you're offering this

1 exhibit for what purpose, sir?

2 MR. TIDABACK: Yes. This exhibit here  
3 goes to show that we were intentionally trying and  
4 hired a person to replace Mr. Baumann.

5 JUDGE MORAN: Okay. But that -- you  
6 see, this is the leap you just made. Does it  
7 anywhere in that letter, Mr. Tidaback, state that  
8 you were hiring this individual to replace Mr.  
9 Baumann? Does it say that?

10 MR. TIDABACK: The position?

11 JUDGE MORAN: As a product -- production  
12 shift manager, to bring him on board, does it say  
13 that it was to replace Mr. Baumann?

14 MR. TIDABACK: In our small break we  
15 have one -- state what you just asked, no, it does  
16 not, Your Honor. We do not have multiple  
17 positions for multiple people. In that Exhibit RX  
18 it shows that we hired someone in August of 2022.  
19 Exhibit RY --

20 JUDGE MORAN: Let's just stay with RX  
21 for right now. Do you have any objection to the  
22 admission of RX?

1 MS. O'REILLY: I have an objection, no  
2 foundation and also --

3 JUDGE MORAN: Well, what sort of  
4 foundation is needed to do this? I'm not clear.  
5 This is a business record. It's a letter from  
6 American Tripoli. How much it proves is a  
7 different issue, but I don't understand what  
8 foundation are you looking for for Mr. Tidaback to  
9 establish?

10 MS. O'REILLY: Why don't --

11 COURT REPORTER: I'm sorry. You're  
12 breaking up. I can't hear you.

13 MS. O'REILLY: Yeah, I would object  
14 because Mr. Tidaback's not -- there's no  
15 foundation laid for Mr. Tidaback not testifying  
16 right now and he's the only one that seemingly in  
17 this room that can lay a foundation for that.

18 JUDGE MORAN: Okay. So I mean, you're  
19 technically correct that -- but I have some leeway  
20 here, and without expressing my view about the  
21 probative of this exhibit, I'm going to show some  
22 informality, at least with reference to this.

1 This doesn't mean it goes across the board but I'm  
2 going to admit Exhibit RX, but certainly counsel  
3 for the Secretary is right, that you can't ask any  
4 questions based on this of Mr. Baumann. So for  
5 future evidentiary matters such as this you should  
6 wait until you have a witness who will say, oh,  
7 yes. And may be you, yes, this is the letter I  
8 sent to Mr. Schallenberger, okay, and then that  
9 would come in. That's a separate category,  
10 whether it comes in from the probative value of  
11 this letter or any letter. All right? So that  
12 RX, using my discretion, is admitted.

13 MR. TIDABACK: Your Honor, RY and RZ are  
14 the exact same thing.

15 JUDGE MORAN: When you say they are the  
16 exact same thing, they're addressed to different  
17 people, are they not?

18 MR. TIDABACK: They are addressed to  
19 different people and at different dates.

20 JUDGE MORAN: Okay. And so I have to be  
21 somewhat consistent here. Right? So I'm going to  
22 allow RY and RZ to be admitted.

1 MS. O'REILLY: I will just state my  
2 objection to foundation and also to the argument  
3 that you provided. They were not provided in  
4 discovery, either. It was provided in the  
5 February 8 disclosure, but I'm just going to state  
6 my objection for those two reasons.

7 JUDGE MORAN: But you do have counsel  
8 for the Secretary, you have RY and RZ?

9 MS. O'REILLY: Yes. I received those on  
10 February 8th. I received Y in February, I did not  
11 receive Z in February.

12 JUDGE MORAN: Okay. But I have some  
13 leeway here, and I'm admitting RY and RZ in  
14 addition to X. And again, I would say that this  
15 is an extremely indirect method to show what I  
16 have to figure out, which is was -- in the  
17 affirmative defense, was Mr. Baumann terminated in  
18 any event for shortcomings. Because we're at this  
19 point in the proceeding, not that we can't go back  
20 to it, but we're -- protected activity has been  
21 established in testimony.

22 And not that it can't be countered, but



1 there was an adverse action. No one disputes  
2 there was an adverse action. He was fired. So  
3 the focus of American Tripoli's defense, from my  
4 understanding, is solely about, and he would have  
5 been fired in any event and you're trying to show  
6 that by hearing these other individuals, that  
7 demonstrates his deficiency and that doesn't cut  
8 it, as far as I'm concerned, short of notification  
9 to Mr. Baumann, some sort of reprimand, warning,  
10 etcetera, you know.

11 Because there can be a host of reasons  
12 why people are hired and I'm not going to make  
13 that kind of -- what I would consider to be an  
14 illogical leap that you're hiring practices  
15 therefore demonstrate that Mr. Baumann was  
16 deficient in his own responsibilities. I can't go  
17 down that what I call cul-de-sac. It's -- a  
18 cul-de-sac is a dead end. Okay. It has a nicer  
19 name, but that's what it is.

20 MR. TIDABACK: I do believe I'll be able  
21 to expand that on.

22 JUDGE MORAN: We'll wait for that other

1 testimony. Do you have any other questions of  
2 this witness? Because this is far afield. You  
3 can't keep going down this road where things that  
4 have nothing to do with the testimony of Mr.  
5 Baumann.

6 MR. TIDABACK: These all build up to --

7 JUDGE MORAN: You got to direct your  
8 questions to Mr. Baumann. You can't ask Mr.  
9 Baumann a question about RX, RY or RZ.

10 (Respondent's Exhibit R-X, R-Y, R-Z  
11 were marked for identification and  
12 received in evidence.)

13 MR. TIDABACK: My next question for Mr.  
14 Baumann is how the departure of these individuals  
15 before your termination impacted your workload and  
16 performance expectations, so he would have to know  
17 who he was talking to or about.

18 JUDGE MORAN: Are you telling me, then,  
19 this is -- it can't be considered testimony, but  
20 you're asserting to me that in RX, Y and Z, this  
21 relates to individuals that were hired and then  
22 let go?

1                   MR. TIDABACK: No, no, no. These  
2 individuals quit.

3                   JUDGE MORAN: They were employed and  
4 then they quit.

5                   MR. TIDABACK: That is correct. And  
6 they were employed and they quit.

7                   JUDGE MORAN: Asking --

8                   MR. TIDABACK: Because they affected his  
9 workload, Your Honor. That's the question.  
10 That's why I was getting to that.

11                  JUDGE MORAN: I'll let you ask that  
12 question. We're afield here, but let's go ahead  
13 with your question.

14                  MR. TIDABACK: Yes, Your Honor.

15                  BY MR. TIDABACK:

16                Q     So the departure of Mr. Schallenberger,  
17 Mr. Collins or McClelland and Mr. Snodgrass, how  
18 did the departure of those individuals impact your  
19 workload and performance expectations?

20                A     Will Schallenberger didn't affect it at  
21 all. He was hired to be the day shift supervisor,  
22 and I don't even -- I recall meeting the Richard

1 person once but I'm thinking he only worked like  
2 one day. I honestly don't recall how long he was  
3 there. And Alex Snodgrass did -- he was the -- he  
4 was hired to be the, oh, production whatever, you  
5 know, to do the inventory and to track all the --  
6 print all the shipping labels, printed all the  
7 stuff for that. So, yes, that doubled my  
8 workload. It would have. He was still employed  
9 when I left. Alex Snodgrass was still employed  
10 when I left.

11 Q Okay.

12 JUDGE MORAN: Okay. So one of my  
13 authorities in the proceeding is I can cut off  
14 further questions on things that I don't consider  
15 to be pertinent to the issues in front of me, so  
16 you're going to have to move on from this. And  
17 remember, I already gave you a forgiveness for  
18 these exhibits, which I admitted which really, as  
19 Attorney O'Reilly pointed out from a technical  
20 standpoint, it wasn't a proper foundation for  
21 their admission, but I still benevolently allowed  
22 these to be in, but now we're moving on to

1 something else. No more questions about these,  
2 these issues, about how employees who were hired  
3 for whatever period of time and then discharged,  
4 how that impacted, because that's not what the  
5 focus of this decision is about.

6 MR. TIDABACK: Yes, Your Honor.

7 JUDGE MORAN: So move on to something  
8 else, please.

9 BY MR. TIDABACK:

10 Q Regarding protected activity and alleged  
11 discrimination, the next subject, P14, the  
12 workplace inspections, the ones you had in 2022,  
13 the 17 April of 2023.

14 JUDGE MORAN: We're talking about P14?

15 MR. TIDABACK: Yes, Your Honor.

16 JUDGE MORAN: All right. And are you on  
17 a particular page on P14?

18 MR. TIDABACK: It's going to be the  
19 whole entire. Not any specific as we talked about  
20 -- you talked about earlier. Not specific  
21 citations or anything like that, so we're talking  
22 about the workplace inspections themselves. Okay.

1 JUDGE MORAN: Okay. What was your  
2 question of Mr. Baumann about P14 and then we'll  
3 see if we have an issue or not.

4 BY MR. TIDABACK:

5 Q So you had mentioned raising safety  
6 concerns. Can you detail the concerns and how you  
7 communicated them with the management? How if  
8 there were safety concerns out there, how do we  
9 know if you don't communicate them?

10 MS. O'REILLY: Objection, argumentative.

11 JUDGE MORAN: Yes. I sustained the  
12 objection. Mr. Baumann, did you raise safety  
13 concerns to either Mr. Tidaback and/or Mr. Spears  
14 during the course of your employment?

15 THE WITNESS: Yes, Your Honor.

16 JUDGE MORAN: Please identify the safety  
17 concerns, some of them that you expressed. Can  
18 you give me some illustrative example?

19 THE WITNESS: The live wire that was --

20 JUDGE MORAN: You testified about  
21 yesterday.

22 THE WITNESS: Yes, Your Honor.

1 JUDGE MORAN: We don't have to go into  
2 the whole detail. I remember that. That's in the  
3 record. Anything else?

4 THE WITNESS: The product dam that was  
5 made for the oil that was running off. The rags  
6 in the worn out bearings.

7 JUDGE MORAN: Okay.

8 THE WITNESS: Open electrical boxes,  
9 unmarked electrical boxes.

10 JUDGE MORAN: And you raised these  
11 safety concerns to?

12 THE WITNESS: Mr. Spears.

13 JUDGE MORAN: Okay. Those are some  
14 examples of a protected activity that he  
15 identified by his testimony to Mr. Spears. Do you  
16 have a question about that?

17 BY MR. TIDABACK:

18 Q Are those in the workplace exams?

19 JUDGE MORAN: Are those concerns noted  
20 within the Exhibit P14?

21 THE WITNESS: Yes. I recall making the  
22 -- making the observation on the wire every day in

1 my -- in my exam. The oil damn, no. The rags in  
2 the bearings, yes.

3 JUDGE MORAN: And where do you see the  
4 rags in the bearing, sir, on Exhibit P14?

5 THE WITNESS: Sorry.

6 JUDGE MORAN: That's -- on P14 where do  
7 you see the rags in the bearing issue?

8 THE WITNESS: I'm looking for it, Your  
9 Honor. This doesn't look a hundred percent like  
10 it's -- like I had done all of these, or there is  
11 the bare electrical wires.

12 JUDGE MORAN: What page is that on?

13 THE WITNESS: Page 5.

14 JUDGE MORAN: I see it there. Okay.

15 THE WITNESS: But there should be  
16 multiple, like on the bare electrical wire because  
17 it wasn't resolved that day. And I'm not seeing  
18 like the consistency, you understand?

19 MR. TIDABACK: Your Honor, actually if  
20 you look at Exhibit P14, Page 4 and Page 5, on  
21 Page 5 it shows the bare electrical wires exposed  
22 of floor area closed off.



1 JUDGE MORAN: Yes. But does that help  
2 you or hurt you?

3 MR. TIDABACK: That's what I'm saying,  
4 Your Honor. Mr. Baumann -- this is part of my  
5 attempt to show Mr. Baumann's testimony is, one,  
6 not accurate, and it's not reflective of his true  
7 responses to what really happened. Just like he  
8 just stated in his testimony, this took something,  
9 something extra, days or whatever. Look on the  
10 very next day. He has it marked as good. So if  
11 the records are showing that it's good, Mr.  
12 Baumann, if the records are showing that it's  
13 good, did you expect the management team that is  
14 managing the workload of the maintenance personnel  
15 to think or assume that that area is safe for  
16 production and good based on your records?

17 A Yeah, I'm looking over this, because I  
18 don't think this is an accurate -- it looks like  
19 it's been changed to me, honestly, Your Honor. It  
20 doesn't -- some of them, yes, I really recognize,  
21 and some of them I don't.

22 JUDGE MORAN: Well, you've exhausted

1 your recollection on this point. I will note for  
2 the record, though, on Page 005 of Exhibit P14  
3 there is at least that one reference to bare  
4 electrical wires which Mr. Baumann testified about  
5 yesterday, and the mentioning of that in his  
6 testimony would constitute protected activity,  
7 because it is identifying a safety hazard. You  
8 know, that there are not other examples in P14,  
9 which I'm not saying that's true. But I notice,  
10 for example, on Page P14 009 that there's a  
11 reference there that there was the ramp gate left  
12 open creating a danger, closed and locked it,  
13 locked gate. So that's a second instance now.  
14 Give me just one second here. Is it your  
15 testimony, Mr. Baumann, that you made that entry?  
16 Can you recall maybe not in this format, but did  
17 you -- did you indicate that there was a ramp gate  
18 left open creating a danger?

19 THE WITNESS: Yes, Your Honor.

20 JUDGE MORAN: Okay. Is there a gate  
21 associated with that?

22 THE WITNESS: Yes, Your Honor.

1           MR. TIDABACK: Yes, Your Honor, on the  
2 very far left column.

3           JUDGE MORAN: I see. Now I recall, you  
4 really would have to string all these pages out.

5           MR. TIDABACK: Unfortunately that's how  
6 it's printed being a printed document. That comes  
7 from --

8           JUDGE MORAN: Go ahead, if you have  
9 additional questions. Now you're still moving on  
10 with the idea of showing or attempting to show  
11 there was no protected activity?

12          MR. TIDABACK: That is correct.

13          JUDGE MORAN: Go ahead with additional  
14 questions.

15          BY MR. TIDABACK:

16          Q       So like, Mr. Baumann, building the  
17 platform for stacking the bags, buying filters to  
18 replace filters if too much dust appeared to slip  
19 from the bag house filters on the fourth floor.  
20 Would you argue that none of these or other items  
21 were actually addressed if they're not shown in  
22 the workplace exams?

1           A       I don't guess I understand what we're --

2           Q       In your testimony you mentioned you  
3 brought all these things forward, and that you  
4 walked around and did workplace exams, but they're  
5 not documented.

6           A       We weren't running when I did the  
7 workplace exams, so I wouldn't have known about  
8 any excess dust or anything like that.

9                   JUDGE MORAN:   Would you repeat that?  I  
10 didn't hear the beginning of your answer with we  
11 what.  You said workplace exam, then.

12                  THE WITNESS:   When I performed the  
13 workplace exams, Your Honor, we were not running  
14 product.  So the excess dusting and stuff like  
15 that wouldn't have been in mill -- wouldn't have  
16 been in my safety walk-through.

17                  JUDGE MORAN:   Okay.

18                  BY MR. TIDABACK:

19           Q       The daily workplace exam is what we're  
20 talking about.  These are required daily.  Anytime  
21 we're in the mill.  If they were issues needed to  
22 be addressed, those should have been recorded in

1 the workplace exams. Correct, Mr. Baumann?

2 A Yes.

3 Q Okay. Let's see here. Did you perceive  
4 a change in how you were treated by management  
5 after raising safety concerns or participating in  
6 MSHA inspections?

7 A Yes.

8 Q Okay. If so, how?

9 A Just like I testified yesterday, I felt  
10 like I was being left out of Team chats, and any  
11 concerns that I brought up were, in my opinion,  
12 being blown off or ignored.

13 Q Okay. When you mean left off, what does  
14 that mean?

15 A I wasn't -- my name was not being tagged  
16 in any of the Team messages. If I brought a  
17 concern across, taking a picture of something, I  
18 never got answered, in my last two months --

19 Q Correct.

20 A -- prior to being terminated.

21 Q Were you still in the chat group?

22 A Yes.

1           Q     So you were able to receive those chat  
2 messages, 24 hours day at anytime?

3           A     Yes.

4           Q     Okay. Yesterday in your examination you  
5 mentioned that you were treated differently after  
6 being a miner representative. You were mentioned  
7 that you're not tagged in messages anymore. Only  
8 John, the operations manager, and Jesse, the  
9 safety manager, were actually being tagged, but  
10 again, you could still see the chat messages.  
11 Correct?

12          A     Yes.

13          Q     Looking at Secretary's Exhibit P2 titled  
14 Miner Representative of Miners Designation?

15               MR. TIDABACK: P2, Your Honor.

16               JUDGE MORAN: Give me a minute to move  
17 all this paper back to P2.

18               MR. TIDABACK: Yes, sir.

19               JUDGE MORAN: You on P2, Mr. Baumann?

20               THE WITNESS: Yes.

21               JUDGE MORAN: Thank you, sir. Yep.

22               Okay. So we have the Representative Miners

1 Designation Form on P2, which is a one page  
2 exhibit. And your question is.

3 BY MR. TIDABACK:

4 Q Yes, sir. On that, Mr. Baumann, you  
5 marked that you wanted to be confidential. If  
6 you're confidential, how is anyone in the  
7 management team supposed to know that you are a  
8 miners rep?

9 MS. O'REILLY: I object that it  
10 misstates the testimony and it misstates the  
11 document.

12 JUDGE MORAN: Yes. You object to  
13 because what?

14 MS. O'REILLY: It misstates the  
15 testimony and also misstates the document, but  
16 that's not what -- that's not what the  
17 confidential marking is. It's not making Robert  
18 Baumann confidential. It's making the redacted  
19 names of the people who elected him a miners rep  
20 confidential.

21 JUDGE MORAN: Let me ask this question,  
22 Mr. Baumann. Mr. Baumann, when you filled out the

1 form to become a representative of miners, did you  
2 understand that you would be recognized as the  
3 miners representative at the mine?

4 THE WITNESS: Yes, Your Honor.

5 JUDGE MORAN: Did you want that to be a  
6 secret to the mine?

7 THE WITNESS: No, Your Honor.

8 JUDGE MORAN: All right. And in fact,  
9 my -- well, strike that thought.

10 I sustain the objection from Attorney  
11 O'Reilly. The confidential, based on the exhibit  
12 itself and Mr. Baumann's testimony is it wasn't to  
13 keep his status as a miners rep secret from --  
14 from American Tripoli, and if it were, how would  
15 that help me decide the case, in any event?

16 MR. TIDABACK: If we didn't know he was  
17 a miners rep, how would we discriminate against  
18 him a miners -- how would we discriminate against  
19 him being a miners rep?

20 JUDGE MORAN: I don't know that it's  
21 been alleged that you discriminated against him  
22 because he was a miners rep. You discriminated



1     against him under the allegations because he  
2     engaged in protected activity.

3                 MR. TIDABACK:   That was listed as one of  
4     them.

5                 JUDGE MORAN:   Is that true, Attorney  
6     O'Reilly?

7                 MS. O'REILLY:   Yes.   Correct.

8                 JUDGE MORAN:   Okay.   But your question,  
9     though, has become -- it's vaporized, if you will,  
10    because the only reason --

11                MR. TIDABACK:   The only reason for --

12                JUDGE MORAN:   Please, will let me  
13     finish.   It's vaporized because Mr. Baumann has  
14     just stated that he filled out the form but he had  
15     no intentions of trying to keep his status secret.  
16     Did you ever -- did you ever express to anyone at  
17     American Tripoli, of course, my understanding is  
18     you had to get at least two people to designate  
19     you as the miners represent.   Right?

20                THE WITNESS:   Yes, Your Honor.

21                JUDGE MORAN:   Okay.   And at or after you  
22     filed the form to become the representative of

1 miners, did you ever disclose to management, that  
2 would be Mr. Spears or Mr. Tidaback or anyone else  
3 in management, that you were the miners rep?

4 THE WITNESS: Yes, Your Honor.

5 JUDGE MORAN: And did you recall when  
6 you disclosed your status as a miners rep to these  
7 people?

8 THE WITNESS: As soon as it was -- as  
9 soon as the papers were filed and then the next  
10 MSHA inspection, the MSHA inspector notified John  
11 that he needed to contact me to come up there  
12 because I was the miners representative.

13 JUDGE MORAN: Okay. But your testimony,  
14 just what I just heard is so there were two points  
15 in time. One was shortly after filling out the  
16 form you notified management?

17 THE WITNESS: Yes.

18 JUDGE MORAN: And do you recall who you  
19 notified at the American Tripoli that you were now  
20 the miners rep?

21 THE WITNESS: John Spears.

22 JUDGE MORAN: Did you notify anyone

1 else?

2 THE WITNESS: No. Not that day, Your  
3 Honor.

4 JUDGE MORAN: And then after becoming  
5 the miners representative and the inspection  
6 ensued after that, your testimony is that the MSHA  
7 inspector notified management people that you were  
8 the miners rep. Is that true?

9 THE WITNESS: Yes, Your Honor.

10 JUDGE MORAN: Any other questions about  
11 that?

12 BY MR. TIDABACK:

13 Q Did you ever communicate that you were a  
14 miners rep in the collaboration tool so everybody  
15 would know?

16 A Yes. All -- all mill associates knew.

17 Q Did you post that in Teams?

18 A No.

19 Q Okay. So that is the collaboration tool  
20 we use. Correct?

21 A Yes. But I didn't see any relevance to  
22 putting it on Teams. There was only four of us

1 working there at the time, so. And two of them  
2 asked me to be the miners representative to try  
3 and get things better.

4 Q So why did you decide to be confidential  
5 rather than public?

6 MS. O'REILLY: Objection, misstates the  
7 testimony.

8 JUDGE MORAN: Come on now. We covered  
9 that one. Let's move on.

10 BY MR. TIDABACK:

11 Q Okay. So you claim that you've never  
12 been reprimanded before, so in your testimony why  
13 would you -- why would we reprimand you based on  
14 bringing problems and safety to the teams  
15 attention, keeping us out of hot water with MSHA?

16 MS. O'REILLY: I would object that he's  
17 testifying and I don't understand the question.

18 JUDGE MORAN: As phrased you're -- I  
19 sustain the objection. But for you to ask him why  
20 you people would decide to reprimand him, beyond  
21 his ken.

22 MR. TIDABACK: That question was based

1 on his testimony yesterday stating that he was  
2 fearful for his job and that's why he wanted to be  
3 miners rep, confidential as the Secretary pointed  
4 out.

5 MS. O'REILLY: Again, he's testified to  
6 the confidential status, which is misstating the  
7 testimony.

8 JUDGE MORAN: I sustained the objection.  
9 Try one more time with your question, and we'll  
10 act on it.

11 BY MR. TIDABACK:

12 Q Okay. Okay. So without testifying,  
13 that's the hard part. Okay.

14 JUDGE MORAN: Well, I think as you move  
15 on to something else. We're clear at this point  
16 that based on the testimony of Mr. Baumann as just  
17 stated that there was nothing confidential about  
18 his status. That according to his testimony and  
19 as augmented when an inspection occurred, American  
20 Tripoli was put on notice that, in fact, Mr.  
21 Baumann was the miners rep at your facility.

22 MR. TIDABACK: And I actually disagree

1 with that statement, Your Honor, because there is  
2 an e-mail -- there is evidence.

3 JUDGE MORAN: But I'm talking about  
4 what's on the record right now. That's the  
5 testimony as it stands right now. You people  
6 knew, and according to Mr. Baumann, you knew two  
7 times. One shortly after he filled out the form.  
8 That's his testimony, and two, when an inspector  
9 arrived, and that should have been a pretty good  
10 notice that because it's customary when there's a  
11 miners rep, MSHA inspectors tell management Mr. X  
12 is accompanying me in this inspection because he's  
13 the miners rep.

14 MR. TIDABACK: Yes, Your Honor, and I  
15 will agree under normal circumstances, most  
16 likely, and different inspectors, which we have  
17 issues with, that may have happened. But I --

18 JUDGE MORAN: You're saying you were  
19 never notified?

20 MR. TIDABACK: That's correct.

21 JUDGE MORAN: And that's testimony.

22 MS. O'REILLY: We object to the

1 testimony.

2 JUDGE MORAN: All right. Listen folks.  
3 It's 10:45. We're going to take a five-minute  
4 break here. So Court Reporter, you've been  
5 hanging in there with me?

6 COURT REPORTER: Yes, I have.

7 JUDGE MORAN: Okay. So we're going to  
8 take a five minute break. But before we do that  
9 break I want you to, you know, collaborate with  
10 your daughter and see if we can move this  
11 testimony along to things that are pertinent to  
12 what I have to decide. And we spent a lot of time  
13 here this morning with things that don't advance  
14 the case in terms of the Respondent's perspective.

15 That's my broad brush view of what we  
16 have been spending a couple of hours on now, so  
17 you know, at some point I have to say that no more  
18 questions will be allowed of this witness. That's  
19 within my purview. If we're just treading water  
20 here or even not in the water, just to carry that  
21 analogy, I have to cut things off, because  
22 otherwise, the proceeding would go on needlessly

1 for days and not accomplish anything.

2 MR. TIDABACK: Yes, Your Honor.

3 JUDGE MORAN: So I want you to during  
4 this five minute break see if you can hone in on  
5 to whatever last questions you want to ask of this  
6 witness, and then focus, when it comes your turn,  
7 to the defense, to the witnesses and testimony  
8 your side may offer. All right?

9 MR. TIDABACK: Yes, Your Honor.

10 JUDGE MORAN: All right. Now we're  
11 going to break. Off the record.

12 (Recess)

13 JUDGE MORAN: I'm going to ask a few  
14 questions, and then I'm going to allow you to have  
15 some more questions, sir, but I am going to be  
16 attentive, I expect the Secretary's attorney to be  
17 attentive to matters that either are cumulative or  
18 amount to testimony or do not -- are not relevant  
19 or material, because I have allowed you to have  
20 questions, many of which were off point during the  
21 time that we began at 9 a.m., approximately 9:00  
22 a.m. this morning. We're now coming up on 11:00.



1 I also want to remind you that 11:55 I have to  
2 take a break for a conference call, so that will  
3 be our next break and then we'll pick right of up  
4 and see where we are.

5 Now, a couple questions for you, Mr.  
6 Baumann.

7 THE WITNESS: Yes, sir.

8 JUDGE MORAN: And forgive me for not  
9 having handy for me the notes about this, but you  
10 worked for approximately ten months for American  
11 Tripoli. Correct?

12 THE WITNESS: Yes, sir.

13 JUDGE MORAN: Okay. And when you were  
14 hired, what was your job title? You have a job  
15 title?

16 THE WITNESS: They hired me to be the  
17 supervisor over the night shift.

18 JUDGE MORAN: Right, but did you have --  
19 they called you a supervisor over the night shift?

20 THE WITNESS: Yeah. Production  
21 supervisor is what it said in their little website  
22 thing.

1 JUDGE MORAN: Okay. So we would call  
2 yourself a production supervisor when you were  
3 hired?

4 THE WITNESS: Yes. That's the job that  
5 Christine Schreiber offered me.

6 JUDGE MORAN: Okay. Production  
7 supervisor, and then you worked in the night shift  
8 initially, and then when did you switch over to  
9 day shift?

10 THE WITNESS: Approximately after --  
11 approximately five months. I honestly can't  
12 remember, to be exact, Your Honor.

13 JUDGE MORAN: Almost half of your time  
14 there you were the night shift person, and then  
15 you became the day shift for the balance of that  
16 time?

17 THE WITNESS: Yes, Your Honor.

18 JUDGE MORAN: Did your title stay the  
19 same, production supervisor?

20 THE WITNESS: Yes.

21 JUDGE MORAN: Still a production  
22 supervisor now. At any time during your entire

1 employment for which you just told me your job  
2 title was essentially the same, production  
3 supervisor. Is that right?

4 THE WITNESS: Yes, Your Honor.

5 JUDGE MORAN: Did you ever receive a  
6 warning, oral or written, from Mr. Spears, that  
7 your job was inadequate?

8 THE WITNESS: No.

9 JUDGE MORAN: Did you ever -- and I said  
10 oral or written. Neither?

11 THE WITNESS: Yes, sir.

12 JUDGE MORAN: Did you ever receive oral  
13 or written a warning from Mr. Tidaback or any  
14 other person in management that you were not  
15 performing your job adequately?

16 THE WITNESS: No, Your Honor.

17 JUDGE MORAN: Were you ever given a  
18 warning that you were in some sort of a probation?  
19 I don't use that term in legal sense, that if your  
20 job performance did not improve you would be  
21 terminated?

22 THE WITNESS: No, Your Honor.

1 JUDGE MORAN: Okay. And that's written  
2 or oral. Never put on notice?

3 THE WITNESS: Never. I was never put on  
4 notice, Your Honor.

5 JUDGE MORAN: And up until the time that  
6 you were discharged, do you have any sense that  
7 you had -- that the management had called to your  
8 attentions deficiencies in the performance of your  
9 job?

10 THE WITNESS: No, Your Honor.

11 JUDGE MORAN: Okay. Go ahead with your  
12 questions, Mr. Baumann. We're going to be very  
13 attentive -- I mean, Mr. Tidaback to the questions  
14 you have to ask right now. Go ahead, sir.

15 BY MR. TIDABACK:

16 Q And Exhibits RE titled 14 April, 2023,  
17 Jesse e-mailed to Markeson regarding miner pay  
18 inquiry.

19 JUDGE MORAN: We have to return to RE  
20 first.

21 MR. TIDABACK: Yes, Your Honor.

22 Actually, RE and -- RE and RF. These both relate

1 to the e-mail chain regarding the miners pay.

2 JUDGE MORAN: RE and RF?

3 THE WITNESS: Yes.

4 MR. TIDABACK: Yes, Your Honor.

5 JUDGE MORAN: And what is the purpose  
6 behind your asking questions of this witness about  
7 this? What is the -- give me what's called a  
8 proffer.

9 MR. TIDABACK: Yes, sir. The question  
10 here has to deal with if Jesse was asking at same  
11 time the same question Mr. Baumann was asking, why  
12 would that be grounds of termination for Baumann  
13 but not Jesse.

14 JUDGE MORAN: That's a question that  
15 cannot be asked. It's improper and something he  
16 can't answer.

17 MR. TIDABACK: Why would he think that  
18 was --

19 JUDGE MORAN: Same problem.

20 MR. TIDABACK: Yes, Your Honor. Then we  
21 get over to regarding alleged interference. The  
22 next question.

1 JUDGE MORAN: Go ahead with your next  
2 question about alleged interference.

3 MR. TIDABACK: Yes, Your Honor.

4 BY MR. TIDABACK:

5 Q Do you have any proof that anyone at  
6 American Tripoli, specifically told you,  
7 specifically Mr. Baumann, that you could not walk  
8 or talk with an MSHA inspector?

9 JUDGE MORAN: Do you understand that  
10 question? Were you told by anyone in management  
11 that you were not allowed to speak to an MSHA  
12 inspector?

13 THE WITNESS: Yes.

14 JUDGE MORAN: When you say proof, his  
15 testimony is the proof. Were you suggesting that  
16 there was a document filed? It depends what you  
17 mean by proof. Do you have any proof? Proof is  
18 that I was -- that he was told he may not talk  
19 with MSHA inspectors. Is that true?

20 THE WITNESS: The exact words were don't  
21 offer any extra information to MSHA inspectors.  
22 Don't offer up any. If they ask you a question,

1 make it short.

2 BY MR. TIDABACK:

3 Q Okay. That's not talking to. That's  
4 additional information. Correct?

5 MS. O'REILLY: I would object to this  
6 line.

7 JUDGE MORAN: I sustain the objection.  
8 Yes. Whether I characterize it as talking to,  
9 he's just explained the restrictions that were  
10 placed upon him by management. That was from Mr.  
11 Spears.

12 THE WITNESS: Mr. Spears and Mrs.  
13 Schreiber and Bonnie Bainter.

14 JUDGE MORAN: His testimony will stand  
15 as to what he was told. Now --

16 MR. TIDABACK: But to clarify, Your  
17 Honor, not talking to and divulging information  
18 not is the same. Correct?

19 JUDGE MORAN: You know what that is,  
20 that's something in a brief that you can argue  
21 that that statement is to be distinguished from  
22 forbidding him from speaking. You can put that in

1 your brief, but not as a question for Mr. Baumann.  
2 Okay?

3 MR. TIDABACK: I'm sorry, what's a  
4 brief?

5 JUDGE MORAN: Mr. Baumann explained the  
6 basis for his belief that there was a restriction  
7 in his speaking with MSHA inspectors. That's his  
8 testimony.

9 MR. TIDABACK: Yes, Your Honor.

10 JUDGE MORAN: Okay. Now, you have tried  
11 to distinguish that as being different from  
12 actually being told the word do not speak to an  
13 inspector. Argue that in your post hearing brief.  
14 I don't know what that shows.

15 MR. TIDABACK: Yes, Your Honor.

16 JUDGE MORAN: But that's something you  
17 can do. Okay. Next question.

18 BY MR. TIDABACK:

19 Q So Exhibit P8 titled screen shot, 2023.  
20 0-7-24, 061236, maintenance chat group.

21 JUDGE MORAN: I have to get to P8 first.

22 MR. TIDABACK: Yes, Your Honor. P8.



1 JUDGE MORAN: P8?

2 MR. TIDABACK: Yes, Your Honor.

3 JUDGE MORAN: We're looking at some  
4 screen shots and what's your question about the  
5 screen shots?

6 BY MR. TIDABACK:

7 Q Who was this message directed at?

8 A Which page are we looking at?

9 Q P8.

10 JUDGE MORAN: It's a one page.

11 MR. TIDABACK: P as in Paul.

12 THE WITNESS: This message was directed  
13 towards Gage Wheeler.

14 BY MR. TIDABACK:

15 Q Okay. So Exhibit P9 titled P9, 14  
16 February, John's message to Gage about MSHA  
17 inspector, and comparing it to the Exhibit RBB,  
18 the time lapse between those, what was occurring  
19 with John Spears at that time of that morning?

20 MS. O'REILLY: Objection, relevancy and  
21 assumes facts not in evidence and calls for  
22 speculation.

1 JUDGE MORAN: Yes. I sustain the  
2 objection. Move on to something else.

3 MR. TIDABACK: Okay.

4 BY MR. TIDABACK:

5 Q In reference to Mr. Baumann's last  
6 testimony stating that his interpretation of the  
7 statement he made is not talking to MSHA  
8 inspectors, how -- how did this terminology impact  
9 your ability to communicate with MSHA inspectors?

10 A It didn't mine.

11 Q Okay. How many times did you walk  
12 around during inspections?

13 A Multiple times.

14 Q Did you walk around with them during  
15 November, February, April inspections?

16 A My participation started in end of  
17 November and December and the beginning of 2023.

18 Q Okay. But anytime during your  
19 employment had the opportunity prevailed itself,  
20 because I know you're busy, you could have walked  
21 with any inspector at any time. Right?

22 A I was never offered to. No.

1 Q Okay. Never offered to.

2 A I never saw an inspector inside the  
3 building until approximately December. I had seen  
4 -- in November I seen one come through. I didn't  
5 physically get close to him or anything like that.  
6 And then whenever everything -- whenever the  
7 inspector showed up, John wasn't there and he  
8 wanted to know why things weren't done, and I was  
9 like, I didn't know anything about it. That's  
10 when I started getting involved.

11 Q So you stated your earliest inspections  
12 were when, that you recall?

13 A To my recollection I started kind of not  
14 being involved, but being to, within, you know,  
15 talking to distance and talking to the inspector,  
16 and I think it was December of 2022 all the way  
17 through February, you know, all the way until my  
18 termination.

19 Q Okay. So if you were talking to them,  
20 let's just say December, if you believe that you  
21 were terminated due to walking around with the  
22 inspectors, why weren't you terminated the first

1 time that you were?

2 MS. O'REILLY: Objection, calls for  
3 speculation.

4 JUDGE MORAN: I sustain that.

5 MS. O'REILLY: I would say a lot of this  
6 is cumulative. He's rehashing testimony that was  
7 gone through in depth.

8 JUDGE MORAN: When you think that's the  
9 case, Attorney O'Reilly, stand up and up object as  
10 just you did.

11 BY MR. TIDABACK:

12 Q So regarding your termination, you  
13 mentioned after your job at American Tripoli, you  
14 quit seven days after not being able to see the  
15 screen with your glasses. Is that correct?

16 A Yes. I didn't understand that question.

17 JUDGE MORAN: Rephrase the question. I  
18 didn't quite grasp it, either.

19 BY MR. TIDABACK:

20 Q Sorry. Maybe this is sticking. You  
21 mentioned at your new job, after American Tripoli,  
22 that you quit after seven days due to you not

1 being able to see the screens and you needed new  
2 glasses. Is that correct?

3 A Yes.

4 Q Did you also mention, in your cross  
5 examination by the Secretary, that you would want  
6 a job back at American Tripoli because you did not  
7 feel that it was safe or any of your concerns  
8 would be taken into consideration?

9 A Yes.

10 Q So you were unhappy at American Tripoli.  
11 Is that correct?

12 A Yes.

13 Q If you were unhappy, why would you stay  
14 for ten months if you're willing to leave a job  
15 that you had for only seven days?

16 A I wasn't able to perform the job that I  
17 took, and I didn't want to waste their time or  
18 mine because I'm pretty passionate about a job,  
19 and --

20 Q Were -- were you planning on quitting  
21 American Tripoli before you were actually  
22 terminated?

1           A       No.

2           Q       Let's see Exhibit RR, 2023, entitled  
3 Robert Baumann, Kansas Claim for Kansas  
4 Unemployment Benefits Form 2023.

5                   MS. O'REILLY: I object, we don't have  
6 an RR in our exhibit notebook.

7                   MR. TIDABACK: Oh, R.R.

8                   MS. O'REILLY: Not double R. R.R. got  
9 it.

10                  JUDGE MORAN: I don't have it yet so  
11 bear with me.

12                  MR. TIDABACK: Yes, sir.

13                  JUDGE MORAN: So the Exhibit is RR?

14                  MR. TIDABACK: Romeo Romeo, Your Honor.

15                  THE WITNESS: Okay.

16                  JUDGE MORAN: I'm not there. Sorry.  
17 Bear with me. Is the first RR, is it called RRB  
18 and then RRC?

19                  MS. O'REILLY: R, Respondent's and R, so  
20 one R after the first R.

21                  MR. TIDABACK: R.R. Romeo dot Romeo.

22                  MS. O'REILLY: Right from RS.

1 JUDGE MORAN: Okay. Thank you. All  
2 right. I found RR, and --

3 MR. TIDABACK: Kansas Claim for  
4 Unemployment Benefits Form?

5 JUDGE MORAN: Yes. This is RR. Why  
6 don't you identify, Mr. Tidaback, what Exhibit RR  
7 is, and then you can ask a question of Mr.  
8 Baumann.

9 MR. TIDABACK: Correct. The document is  
10 the Kansas Claim For Unemployment Benefits Form.

11 JUDGE MORAN: Do you have that form in  
12 front of you, Mr. Baumann?

13 THE WITNESS: Yes, Your Honor.

14 JUDGE MORAN: Do you agree that's what  
15 Mr. Baumann -- Mr. Tidaback says this was, is a  
16 claim for unemployment benefits?

17 THE WITNESS: Yes, Your Honor.

18 JUDGE MORAN: What is your question,  
19 sir?

20 BY MR. TIDABACK:

21 Q Why did you apply for unemployment on  
22 April 16th as noted on the form, which is the day

1 before you were terminated?

2 MS. O'REILLY: Objection, that misstates  
3 the testimony, misstates the document and assumes  
4 facts that are not in evidence.

5 MR. TIDABACK: In the middle of the  
6 form, Your Honor, it actually has it printed. It  
7 says claim effective date.

8 MS. O'REILLY: I'm objecting he's  
9 testifying. If he has a question about this, he  
10 can certainly ask a question.

11 JUDGE MORAN: What you have to do is --  
12 I'm not ruling on the objection at this point.  
13 But here's how you handle it, Mr. Tidaback. Do  
14 you see on the form -- what is the date you're  
15 referring to?

16 MR. TIDABACK: 4-16 which would be the  
17 day before he was terminated by American Tripoli.

18 JUDGE MORAN: Okay. So can you explain,  
19 Mr. Baumann, the references just says BYB.

20 MR. TIDABACK: Yes, Your Honor.

21 JUDGE MORAN: Do you know what that  
22 stands for? I know you're testifying.



1           MR. TIDABACK: I called and asked, and  
2 the lady walked me through the form and told me  
3 the details behind it.

4           JUDGE MORAN: Let me ask the witness,  
5 then. Mr. Baumann, do you know what -- do you see  
6 the date 4-16-23?

7           THE WITNESS: Yes, Your Honor.

8           JUDGE MORAN: Do you know what BYB  
9 stands for, sir?

10          THE WITNESS: No, Your Honor.

11          JUDGE MORAN: Do you know why the date  
12 is 4-16 -- well, first of all, what was the date  
13 that you were terminated, that you received the  
14 notice of termination from American Tripoli?

15          THE WITNESS: 4-17.

16          JUDGE MORAN: So can you explain to me  
17 and to everyone in the hearing room why this claim  
18 is filed the day before you were terminated? Can  
19 you explain that? You have a claim effective date  
20 of 4-16-23.

21          THE WITNESS: Yes, Your Honor. When I  
22 called to file for unemployment there were some

1     questionability about my last day worked because I  
2     didn't -- never received my last paycheck, so I  
3     didn't know whether I had gotten paid for, and it  
4     would be have for 4-14, the Friday previous,  
5     because 4-16 would have been on Sunday and I  
6     wouldn't have been able to call them.

7                 JUDGE MORAN: That's his answer, and  
8     that's all you can ask about that. Move on to  
9     something else. He's provided an answer as to the  
10    date, and that's the end of that.

11                MR. TIDABACK: Yes, Your Honor.

12                BY MR. TIDABACK:

13                Q     With that statement, payroll is ran two  
14    weeks after you worked. Correct?

15                A     Correct.

16                Q     And so payroll would have been, if you  
17    worked, you said, the last pay day was the 17th.  
18    The payroll would have been after the 17th.  
19    Correct?

20                A     Correct.

21                Q     So we wouldn't know or you wouldn't  
22    know.

1 JUDGE MORAN: I'm not going to allow  
2 this.

3 MR. TIDABACK: I'm sorry, I understand.

4 JUDGE MORAN: You have exhausted this.  
5 He's explained, to my satisfaction, by his  
6 testimony to explain that divergence between one  
7 day, the day he was terminated which was 4-17 and  
8 the date that appears to this employment --  
9 employer -- unemployment form, which states the  
10 day before. He's given an explanation to that,  
11 and this is now too far afield for more questions  
12 on that.

13 MR. TIDABACK: That's my last question,  
14 Your Honor.

15 JUDGE MORAN: All right. Thank you.  
16 Does the government have any questions to ask on  
17 redirect?

18 MS. O'REILLY: Yes.

19 JUDGE MORAN: Okay. And Mr. Tidaback --

20 MR. TIDABACK: Yes, Your Honor.

21 JUDGE MORAN: -- pay close attention to  
22 these questions. You will be given an opportunity

1 to ask additional questions but just based on the  
2 questions that Attorney O'Reilly is about to pose.  
3 Okay?

4 MR. TIDABACK: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. O'REILLY:

7 Q Mr. Baumann, just to be clear, you  
8 applied for unemployment after April 17th, 2023.  
9 Correct?

10 A Yes, ma'am.

11 Q And it's your understanding that the  
12 unemployment date of 4-16-2023 refers to that  
13 being the first day of the week where you were  
14 eligible for unemployment benefits?

15 A Yes, ma'am.

16 JUDGE MORAN: Don't ask any more  
17 questions about that. You have already prevailed  
18 on that, Counsel.

19 BY MS. O'REILLY:

20 Q You were never disciplined for failing  
21 to guard machinery. Correct?

22 A No, ma'am.

1           Q       MSHA issued several citations in  
2       February and March of 2023 while you walked around  
3       with MSHA inspectors. Correct?

4           A       Correct.

5           Q       And were you surprised by some of the  
6       things that were cited?

7           A       Yes, ma'am.

8           Q       And was that the first time that you had  
9       realized some of those things were MSHA  
10      violations?

11          A       Yes, ma'am.

12          Q       I'm going to turn to Exhibit P13 and go  
13      to Page 54.

14                 JUDGE MORAN: I have got papers flying  
15      out. P what?

16                 MS. O'REILLY: P13, Page 54.

17                 JUDGE MORAN: Okay. Give me a second.  
18      I'll be right there. 54. Right?

19                 MS. O'REILLY: Yes. Correct.

20                 JUDGE MORAN: Are we on 54?

21                 THE WITNESS: Yes.

22                 JUDGE MORAN: Okay. What is that?

1 BY MS. O'REILLY:

2 Q It's at the bottom of the page you were  
3 talking earlier about removing product from the  
4 floor during MSHA inspection. Correct?

5 A Yes, ma'am.

6 Q And prior to the MSHA citation on this  
7 date, Mr. Spears had told you not to clean up the  
8 product on the floor. Correct?

9 A Correct.

10 Q And your understanding, in fact, was  
11 that this mine had been cited in November for this  
12 same issue, but you were never notified of that  
13 citation?

14 A No, ma'am.

15 Q And so it's your understanding that the  
16 MSHA inspector was telling you to clean it up  
17 because it hadn't been cleaned up since November?

18 A He didn't tell us to clean it up. He  
19 wanted to know why nothing had been done.

20 Q So you were working to terminate the  
21 citation?

22 A Yes, ma'am.

1           Q     And then up above, there was a  
2     discussion about how you did not make the notes  
3     that were requested of you by Mr. Tidaback given a  
4     message from 2-18 on this page, 54.

5           A     Yes, ma'am.

6           Q     And it looks like you were asked to do  
7     this over the weekend. Correct?

8           A     Yes.

9           Q     Were you scheduled to work over that  
10    weekend?

11          A     No, ma'am.

12          Q     Were things ever removed after you  
13    entered things in workplace exams?

14          A     I honestly don't know. The recording --  
15    the printed pieces in the file, some things don't  
16    add up to my recollection.

17          Q     You're not sure if Exhibit P14 we have  
18    been talking about is an accurate reflection of  
19    the workplace exams notes that you made?

20          A     No.

21                MS. O'REILLY: And I will note that P14  
22    had not been admitted as an exhibit. I'll go

1 ahead and move to admit it as an exhibit, just for  
2 clarification of the record.

3 JUDGE MORAN: I think that's a good  
4 idea. Do you have any objection to P14?

5 MR. TIDABACK: No, I don't.

6 JUDGE MORAN: Let me just make a  
7 notation, because I missed P12 I think it was  
8 yesterday. Okay. P14 without objection is  
9 admitted.

10 (Complainant's Exhibit P-14 was  
11 marked for identification and  
12 received in evidence.)

13 BY MS. O'REILLY:

14 Q Now I have you move to Exhibit P40 in  
15 Volume 2. And are you there?

16 A Yes.

17 Q Yesterday it was pointed out the  
18 certification in Box 6. Do you see that? Where  
19 it says fall certification is punishable. And did  
20 you sign in Box 6?

21 A No, I did not sign.

22 Q Whose signature is in Box 6?



1           A       Bonnie Bainter.

2           Q       And it looks like your signature is  
3 under Box 7. Is that correct?

4           A       Yes, ma'am.

5           Q       And above that it just said I verify  
6 that I have completed the above training.  
7 Correct?

8           A       Correct.

9           Q       At the time you signed this, did you  
10 have any idea what new miner training entailed?

11          A       No, ma'am.

12          Q       And did you sign this after receiving  
13 that 30 minute training you were talking about?

14          A       Yes, ma'am.

15               MS. O'REILLY: That's all the questions  
16 I have, Your Honor.

17               JUDGE MORAN: Thank you. Do you have a  
18 few questions based on the limited questions that  
19 were asked by Attorney O'Reilly?

20               MR. TIDABACK: Just one, Your Honor.

21               JUDGE MORAN: Sure.

22

1                   RECROSS EXAMINATION

2                   BY MR. TIDABACK:

3           Q       The Secretary referenced spillage?

4           A       Yes.

5           Q       Is spillage cleaned up?

6           A       Depending on where it was, yes.

7           Q       And as it's cleaned up, does it happen  
8 again?

9           A       Yes.

10          Q       And it happens after you clean it up  
11 again?

12          A       Yes.

13          Q       So it happens all the time. Right?

14          A       Yes.

15          Q       So if we clean it up today and an  
16 inspector comes tomorrow or three days later and  
17 spillage happens between that, it's going to be  
18 there. Right?

19          A       Not in that instance.

20          Q       But it happens all the time. Correct?

21          A       Correct.

22                   MR. TIDABACK: Okay. That's all I have

1 got.

2 JUDGE MORAN: All right. Thank you.

3 MS. O'REILLY: Nothing further.

4 JUDGE MORAN: All right. Mr. Baumann,  
5 thank you for your testimony. My prescription is  
6 that you are not to talk to anyone that applies  
7 until this hearing is over. And that would  
8 include if we have to meet again a few weeks from  
9 now, if we don't wrap this up tomorrow. Okay?

10 THE WITNESS: I have a question about  
11 this. Does that include the Respondent with his  
12 witnesses also, Your Honor?

13 JUDGE MORAN: That's something that, not  
14 you, but the Secretary's attorney can ask. That's  
15 improper for you to ask that, but yes, it's a  
16 blanket prescription for all sides, witnesses  
17 talking with their counsel.

18 THE WITNESS: I just thought of that  
19 yesterday evening, Your Honor. So I didn't know  
20 whether I could do it, but I couldn't talk to them  
21 to have them to ask you, so.

22 JUDGE MORAN: Fair enough.

1 THE WITNESS: Thank you, Your Honor.

2 JUDGE MORAN: All right. So this is for  
3 the benefit of the court reporter. We're going to  
4 break for a minute or two while we get the next  
5 witness ready and just give me a heads up, this  
6 witness will be.

7 MS. O'REILLY: Mr. Gage Wheeler.

8 MS. SMITH: He's ready to go. We can  
9 grab him.

10 JUDGE MORAN: Do you need a break, Madam  
11 Court Reporter?

12 COURT REPORTER: No, I'm fine.

13 JUDGE MORAN: Okay. Thanks. And we're  
14 going to proceed right away with Mr. Gage Wheeler.

15 MS. SMITH: I'll do a microphone test  
16 for the reporter. Okay. Thank you.

17 JUDGE MORAN: Mr. Wheeler, come up here  
18 to the witness stand. Thank you, sir. You have  
19 seen the proceeding. I'm Judge Moran.

20 THE WITNESS: Yes, sir.

21 JUDGE MORAN: Make yourself comfortable  
22 but not too comfortable yet because I have to

1 swear you in first, to remain standing. All  
2 right. We're on the record, Madam Court Reporter?

3 MS. O'REILLY: We need to mike him up.

4 JUDGE MORAN: Tell him, Mr. Heat --  
5 Holt, sorry. There we got. Is that a good  
6 position for that? So you can hear me, Madam  
7 Court Reporter?

8 COURT REPORTER: Yes, I can.

9 JUDGE MORAN: Okay. We're going to  
10 swear in Mr. Gage Wheeler.

11 Whereupon,

12 GAGE WHEELER

13 was called as a witness and, having been first  
14 duly sworn, was examined and testified as follows:

15 JUDGE MORAN: State your name for the  
16 record, please.

17 THE WITNESS: Gage Wheeler.

18 JUDGE MORAN: And please spell it.

19 THE WITNESS: G-a-g-e W-h-e-e-l-e-r.

20 JUDGE MORAN: Have a seat, sir. Go  
21 ahead, Attorney Smith.

22 MS. SMITH: Yes. Thank you. And,

1 Judge, we would ask for somewhat of a protective  
2 order here. We would limit -- we would ask the  
3 Court to not allow any questioning of this  
4 witness' current employer or his home address,  
5 because of this witness' fear of retaliation for  
6 participating in today's hearing, and that these  
7 facts are not relevant to the issues present in  
8 the hearing.

9 JUDGE MORAN: Yes. And I don't have to  
10 hear from the other side on this because the  
11 answer is I do issue such a protective order.

12 MS. SMITH: Thank you.

13 DIRECT EXAMINATION

14 THE WITNESS:

15 Q And, Mr. Wheeler, can you please state  
16 your name for the record.

17 A Gage Wheeler.

18 Q Are you familiar with American Tripoli  
19 in Seneca, Missouri?

20 A I am, indeed.

21 Q How are you familiar?

22 A I'm an current employee there -- or

1 previous, I'm sorry, previous one.

2 Q And what month year did you start  
3 working there?

4 A I believe it was right around  
5 Christmastime when I started.

6 Q Would it be December 26th of 2022?

7 A That sounds fair.

8 Q And what month and year did you leave  
9 American Tripoli?

10 A I do believe it was February maybe,  
11 maybe more, something like that.

12 Q February of 2023?

13 A Sounds fair.

14 JUDGE MORAN: Okay. Sounds fair. Do  
15 you agree?

16 THE WITNESS: Yes, sir, I'm sorry.

17 JUDGE MORAN: All right.

18 THE WITNESS:

19 Q And what was your position at American  
20 Tripoli?

21 A I was a maintenance guy.

22 Q What building did you work in?

1           A       Just the main one right there on the --  
2       right there in Seneca.

3           Q       Would you consider that building called  
4       the mill?

5           A       The mill, yes, ma'am.

6           Q       And what occurred in the mill?

7           A       They crushed the tripoli. Then they run  
8       it through the back house and they put them in the  
9       bags. I mean, that's kind of the general basis of  
10      it.

11          Q       How often did you work in the mill  
12      building?

13          A       Like you mean, like -- well, I worked  
14      there every day, but I mean like Monday through  
15      Friday kind of thing, is that what you're asking?

16          Q       What was your work schedule?

17          A       Monday through Friday. I think I went  
18      through on occasion on Saturday once.

19          Q       And what were the hours that you worked?

20          A       8:00 to 5:00-ish. I got there a little  
21      early, so maybe 7:30-ish, something like that.

22          Q       When you worked at American Tripoli were



1     you a member of a union?

2           A     I was not.

3           Q     Who was your supervisor?

4           A     It would have been John Spears at the  
5     time.

6           Q     What were your responsibilities as the  
7     maintenance person?

8           A     I guess to keep and maintain everything  
9     in working order, the best of my ability.

10          Q     When you were hired, were you the only  
11     maintenance person?

12          A     No, ma'am.

13          Q     Who else was a maintenance person while  
14     you were employed there?

15          A     Bryson Wilkins was his name.

16          Q     Are you related to Bryson Wilkins?

17          A     I am, indeed.

18          Q     And how are you related?

19          A     His daddy is my second cousin. So I  
20     call him Uncle Lonnie, that's his name, and then  
21     Bryston is just my little cousin.

22          Q     And we have learned during this trial

1     that there were two shifts at American Tripoli at  
2     some point of time. What shift were you primarily  
3     working?

4           A     There was no shifts when I was working  
5     there, so I just, just during the day is when I  
6     worked.

7           Q     And how is it -- did you ever work with  
8     your cousin, Bryston Wilkins?

9           A     I did for a couple days.

10          Q     And tell us about some of the work that  
11     you guys would do together.

12          A     Just general maintenance things.  
13     Greasing of the bearings and whatnot. If there  
14     was something that was down and pressing, we'd  
15     work on it.

16          Q     Tell us how it is that Bryston Wilkins  
17     discontinued his employment with American Tripoli?

18          A     So across the street from the mill  
19     there's a garage building there, and the dump  
20     truck driver, and I forget his name, you have to  
21     forgive me, broke one of the garage doors. And so  
22     we went over there to see if we can't figure it

1 out. And so we sit there and we pondered it for a  
2 little bit, you know, and no really good way to  
3 kind of get up there. And I know that Bryston  
4 said something on the Teams messenger to Russell,  
5 and the general consensus was, you know, work with  
6 what you got. Figure it out. That's kind of gist  
7 of it. So my -- I'm sorry.

8 Q So you were tasked to repair an overhead  
9 door. Tell us just how high is this overhead  
10 door?

11 A I think the top of it is about maybe 18  
12 feet.

13 Q Did you have a ladder that would reach  
14 18 feet?

15 A I didn't have a ladder at all.

16 Q Did you request a ladder from a member  
17 of management?

18 A I did not personally.

19 Q And who did?

20 A My little cousin did.

21 JUDGE MORAN: Let me stop. Spell that  
22 person's name. You sort of mumbled the other

1 person that requested the ladder. What is his  
2 name again?

3 THE WITNESS: I said my little cousin.  
4 I'm sorry.

5 JUDGE MORAN: That's okay. Your little  
6 cousin. And again, your little cousin's name is?

7 THE WITNESS: Bryston Wilkins.

8 JUDGE MORAN: Broston?

9 THE WITNESS: Bryston.

10 JUDGE MORAN: Bryston Wilkins. Is that  
11 right?

12 THE WITNESS: Yes, sir.

13 JUDGE MORAN: Okay.

14 BY MS. SMITH:

15 Q And did Bryston or you ever receive a  
16 ladder to perform this work?

17 A We did not.

18 Q And what were you told how you were to  
19 repair the garage door without a ladder?

20 MR. TIDABACK: Is he testifying for  
21 someone else?

22 JUDGE MORAN: No, no. This question is

1 appropriate. She's asking this witness what he  
2 was told. Is that right?

3 MR. TIDABACK: What Bryston was told or  
4 what he --

5 JUDGE MORAN: Well, if you're confused  
6 by the question, that's a different matter. If  
7 the witness is confused by the question, he can  
8 say I don't understand your question. So I  
9 overrule your what is tantamount to an objection.

10 THE WITNESS: Can you repeat the  
11 question, please? I'm sorry.

12 BY MS. SMITH:

13 Q Yeah. When Bryston requested the  
14 ladder, were you working with him on that job?

15 A Yes, ma'am, I was.

16 Q Okay. And you said you never got a  
17 ladder. Is that correct?

18 A No, ma'am, we did not.

19 Q Were you told why you did not receive a  
20 ladder?

21 A There was no reason why we -- we didn't  
22 have one was the reason we didn't get one, so.

1           Q     And how were you told then to repair the  
2     garage door without the ladder?

3           A     We were not told in any way specific to  
4     how to repair the garage door.

5           Q     How did you end up repairing that garage  
6     door that day?

7           A     We got -- I don't remember his name. I  
8     don't remember his name. So we end up getting a  
9     fork truck and a pallet, and by this time Bryston  
10    noped out of the situation. So I got up on a  
11    pallet on a fork truck and they lifted me up and  
12    did my tinkering.

13          Q     And when you said Bryston noped out of  
14    the situation, you're saying?

15          A     He wanted no part of it.

16          Q     Okay. Because -- and did he say why he  
17    did not?

18          A     It's unsafe. I mean, it is what it is.  
19    You know, it's not safe, but.

20          Q     While you were employed at American  
21    Tripoli did you receive any information or  
22    training on the product you were mining and

1 processing?

2 A I did not. I did not receive anything  
3 personally.

4 Q Did you know that Tripoli is made of  
5 mostly silica?

6 A I am aware of that.

7 Q Were you ever given training on silica?

8 A I think there was a little snippet in my  
9 new miners training, but that's it.

10 Q Prior to working at American Tripoli had  
11 you ever worked at a mine before?

12 A I have.

13 Q And tell us when that was.

14 A So in 2018 I do believe it was -- nope,  
15 2016. I'm sorry. That's the Jasper Quarry.

16 Q Based on that experience at Jasper  
17 Quarry, were you familiar with the Mine Safety and  
18 Health Act?

19 A Yeah.

20 Q How long had you worked at American  
21 Tripoli before you got the new miner training?

22 A I think it was approximately maybe --

1 well, so I got pulled -- I got pulled from the  
2 site not very long after I started there, and I  
3 think it was another two weeks before the training  
4 happened. Now, I stayed at the house at that  
5 time.

6 Q So when you started working at American  
7 Tripoli were you put right to work?

8 A Yes.

9 Q And then you said you were pulled from  
10 work. Who pulled you from work?

11 A I do believe his name is -- it's -- he  
12 was meant to be an MSHA guy. Hill is the last  
13 name.

14 Q An MSHA inspector pulled you from work?

15 A Yeah.

16 Q And why did he do that?

17 A I didn't have any new miners training,  
18 of course.

19 Q When -- after you started at American  
20 Tripoli and you were put right to work, were you  
21 being closely supervised by anyone?

22 A No, ma'am.



1           Q     Did you receive any task training from  
2 American Tripoli?

3           A     No, ma'am, I did not.

4           Q     Can you describe any -- any involvement  
5 you had with task training sheets?

6           A     Yeah. So when we -- when we went  
7 through the new miners training the -- even while  
8 the training was happening I had a company laptop,  
9 and I whooped up some just generic, you know, task  
10 training sheets. I had the American Tripoli logo  
11 on the letterhead and then it -- just task  
12 training sheets where you could fill out the task,  
13 your training and then the person doing the  
14 training and the person, you know, performing the  
15 task or whatever. I kind of whooped up some of  
16 those for them.

17          Q     And you created these forms, did you  
18 ever use those forms to document task training?

19          A     We did.

20          Q     Were you ever given any forklift  
21 training at American Tripoli?

22          A     No.

1 Q Did you ever sign a forklift  
2 certification?

3 A I think I did, actually, yeah.

4 Q Did you receive any task training on  
5 welding?

6 A Nope.

7 Q Did you do welding in your job?

8 A Tons of it.

9 Q Did you receive any task training on  
10 lockout/tagout?

11 A No.

12 Q Did you ever perform lockout/tagout at  
13 American Tripoli?

14 A We didn't have any locks.

15 Q When you say you didn't have any locks,  
16 are you saying that American Tripoli did not  
17 provide locks?

18 A No, they did not.

19 Q Did you bring your own logs to perform  
20 lockout/tagout?

21 A Yes.

22 JUDGE MORAN: Okay. You're doing fine

1 in your testimony, but give a pause so the court  
2 reporter cannot have two people speaking at once.  
3 That's great, but you were coming within a  
4 nanosecond of her asking the question. I want the  
5 court reporter to get all of this. All right?

6 THE WITNESS: Yes, sir.

7 JUDGE MORAN: You're doing great.

8 BY MS. SMITH:

9 Q And you can't see the court reporter.  
10 She's appearing virtually, but she is writing all  
11 of this down.

12 And who managed the plant day to day?

13 JUDGE MORAN: That's fine. I didn't  
14 mean a long wait.

15 THE WITNESS: Okay. So Rob kind of  
16 handled the day to day running.

17 BY MS. SMITH:

18 Q And who was responsible for the entire  
19 operation in Seneca?

20 A John.

21 Q John Spears?

22 JUDGE MORAN: Yeah, let's put names.

1 Rob you mentioned a second ago means?

2 THE WITNESS: Robert.

3 BY MS. SMITH:

4 Q Baumann? You mean Rob Baumann?

5 A Yes.

6 JUDGE MORAN: Is there any Rob Bert?

7 THE WITNESS: Robert? Robert.

8 JUDGE MORAN: I get it. You're saying  
9 his full name is Robert.

10 THE WITNESS: Yeah.

11 JUDGE MORAN: Okay.

12 THE WITNESS: I put some bert on. You  
13 said Rob, I said bert, you know.

14 JUDGE MORAN: That's okay.

15 THE WITNESS: I'm sorry.

16 JUDGE MORAN: Robert Baumann and who was  
17 the other person?

18 THE WITNESS: And John Spears.

19 JUDGE MORAN: Let's talk from here on  
20 out, Mr. Baumann, Mr. Spears so we don't get the  
21 Robs and the Johns and all of that mixed up.  
22 Okay?

1 THE WITNESS: Yes, sir.

2 JUDGE MORAN: Thanks.

3 BY MS. SMITH:

4 Q Did you ever interact with Russell  
5 Tidaback in your role as a maintenance person?

6 A Yes, ma'am.

7 Q And tell us about some of those  
8 interactions.

9 A You know, they were -- we kind of varied  
10 from day to day. We had meetings every once in a  
11 while. I think it was every -- every Friday, I  
12 think, in the mornings we had meetings. Phone  
13 calls, Teams messages and things like that.

14 Q Did you work directly with Mr. Tidaback?

15 A I guess in spirit. He wasn't there, if  
16 that's what you're meaning.

17 Q And when you say Mr. Tidaback isn't  
18 there, where is Mr. Tidaback?

19 A I couldn't tell you the whereabouts  
20 where he's at.

21 Q He's not in the plant or the mill on a  
22 day to day basis?

1           A       No, no, no.

2           Q       And so who did you interact on a day to  
3 day basis with in management?

4           A       Mr. Baumann and Mr. Spears.

5                   JUDGE MORAN:   Very good.   Thank you.

6                   BY MS. SMITH:

7           Q       And we've talked a bit during this trial  
8 about Teams chat messages.   Are you familiar with  
9 the Teams chat?

10          A       I am.

11          Q       And were you the member of any Teams  
12 group chats?

13          A       Yes, ma'am.   I was the -- I was part of  
14 the little maintenance one and then the mill one I  
15 do believe.

16          Q       Did you use Teams to communicate to Mr.  
17 Tidaback?

18          A       Yes, I did.   I didn't like it, but I  
19 did.

20          Q       Did you use Teams to communicate with  
21 Mr. Spears?

22          A       Yes.

1           Q     Did you use Teams to communicate with  
2     Mr. Baumann?

3           A     Yes.

4           Q     Did you have any one on one interactions  
5     with Mr. Tidaback?

6           A     In person or on the telephone?

7           Q     Let's start with the phone. Did you  
8     have any telephone calls with him?

9           A     Absolutely.

10          Q     Approximately how many?

11          A     Maybe ten all together, I would say.

12          Q     And now, how many in person interactions  
13     did you have with him?

14          A     Twice.

15          Q     And describe those interactions.

16          A     One time he came down and seemed pretty  
17     nonchalant. I didn't quite understand why he was  
18     there. I think he was there, you know, because of  
19     all the MSHA stuff that was going on, but it was  
20     kind of business as normal so there wasn't much  
21     interactions. How do you do, I'm Russell. I'm  
22     Gage. I'm the feller you hired, stuff like that,

1 and the -- the next time I was whenever I quit,  
2 so.

3 Q And we can talk about your termination  
4 later, but when you quit was the mill currently  
5 shut down?

6 A Yes, it was.

7 Q Okay. And describe your relationship  
8 with Mr. Spears.

9 A In what capacity?

10 Q Your working relationship with him.

11 A Turbulent I guess is the best word I can  
12 use in the company present.

13 Q And why would you say that?

14 A I'm trying to think how to word this,  
15 I'm sorry. I'm sure he's a great feller, but I  
16 don't think he's competent and overall just kind  
17 of ignorant in some aspect. I think that's a fair  
18 word. Ignorant is a fair word.

19 JUDGE MORAN: Those are  
20 characterizations. Let's get down to some brass  
21 tacks, as they say. You said turbulent. I take  
22 it to mean when you use that term, contentious.



1 So there was some friction.

2 THE WITNESS: Yes, sir. That's fair.

3 JUDGE MORAN: Okay. Can you describe  
4 some instances of the friction? I'm sorry,  
5 Attorney Smith, sorry.

6 BY MS. SMITH:

7 Q Go ahead. Can you describe some of  
8 those, you know, either turbulent interaction or  
9 friction between the two of you?

10 A Yeah. So it was my understanding that I  
11 was hired to perform a job, you know. That I have  
12 -- that I, in my opinion, some qualification to  
13 do, and from a man that I don't think has any  
14 qualifications. You know, the past ones that I  
15 do, it was a lot of going back and forth between,  
16 you know, what we should do, what we should not  
17 do, and there was even an instance wherever I was  
18 working on piece of equipment and when I was  
19 telling them how to fix it, so they brought in an  
20 outside electrical contractor and they told him  
21 the same thing that I was telling them. Yet they  
22 paid them \$1200 bucks or whatever to tell them the

1 same thing I said.

2 JUDGE MORAN: So you had disagreements  
3 about how to accomplish certain tasks in terms of  
4 your maintenance?

5 THE WITNESS: Yes, sir.

6 JUDGE MORAN: Were there other instances  
7 when you had disagreements with him about your job  
8 doing maintenance?

9 THE WITNESS: Yeah.

10 JUDGE MORAN: Can you give us just  
11 another example of where there was a disagreement  
12 between you as that to how a task you were  
13 supposed to do was to be performed?

14 THE WITNESS: I'm sorry, I lost you  
15 there.

16 JUDGE MORAN: Probably too long. Tell  
17 me about other disagreements that the two of you  
18 had about how to do your job.

19 THE WITNESS: Okay, yeah. So there was  
20 also some instances when we had a big job doing a  
21 -- there's a bucket elevator. A drag is what you  
22 normally call it. There was disagreements back

1 and forth on how that job should be completed, you  
2 know. It eventually got done to -- in a safe  
3 manner, but the first ideas coming from that man  
4 was not -- it wasn't jelling.

5 BY MS. SMITH:

6 Q Was it your understanding that Mr.  
7 Spears had to get approval from Mr. Tidaback in  
8 order to make certain repairs that you were  
9 recommending?

10 A Yeah, I do believe so.

11 Q And why do you say that?

12 A Because it's -- you know, in my opinion,  
13 I guess John wasn't really running anything. He  
14 had to get permission to do anything.

15 JUDGE MORAN: Did he ever say to you I  
16 have to check with Russell Tidaback about this?

17 THE WITNESS: Yes, sir.

18 JUDGE MORAN: He informed you that  
19 directly, that he had to check with Mr. Tidaback?

20 THE WITNESS: Yes, sir. I think the  
21 actual words he used was I have to get approval.

22 JUDGE MORAN: Okay.

1 BY MS. SMITH:

2 Q In your role as maintenance were you  
3 able to keep up with the number of maintenance  
4 requests?

5 A I tried. It was rough. It really was.  
6 I tried my best, but.

7 Q If he needed parts to repair a piece of  
8 equipment, describe the process you had to follow.

9 A So in the beginning I would go to John  
10 and say, hey, you know, we need this part for  
11 whatever reason, and it was okay. And then I  
12 would disengage from that, and then I assume he  
13 had to put that forward into -- either into Teams  
14 or in front of Russell, and then the part would  
15 arrive, you know, within a couple of days most of  
16 the time.

17 Q Were your requests for parts always  
18 approved?

19 A No.

20 Q Can you think of a time where you  
21 requested a part and it did not get approved?

22 A Yeah. So I was working on the bagger,

1 and there was a part that's been obsolete for  
2 quite some time. And I did some digging, did some  
3 research and I tracked down something that might  
4 have worked, but it was a little on the costly  
5 side. And as far as -- in beginning John wasn't  
6 even going to send it to Russell. So -- and then  
7 after, you know, me kind of pestering, like, you  
8 know, you want this running, we need this part and  
9 it was -- it was probably about a week back and  
10 forth before it ever got put in front of you, you  
11 know, Russell.

12 JUDGE MORAN: What was the outcome? Was  
13 the part eventually purchased and it was  
14 installed?

15 THE WITNESS: Yes, sir.

16 JUDGE MORAN: By you?

17 THE WITNESS: Yes, sir.

18 JUDGE MORAN: Did it work?

19 THE WITNESS: No, sir.

20 JUDGE MORAN: It didn't work after you  
21 installed it?

22 THE WITNESS: No. The bagger itself did

1 not run. The part that I installed did work.

2 JUDGE MORAN: Okay.

3 BY MS. SMITH:

4 Q Do you recall a time when you requested  
5 from Russell Tidaback to order filters for the  
6 bagger?

7 A I said that they need to be changed.

8 Q And were those new filters ever ordered?

9 A No, they never were when I was there.

10 Q Were you told why they weren't being  
11 ordered?

12 A John said they were really expensive, so  
13 that's why that we weren't going to order them.

14 Q Were those filters ever ordered?

15 A No. Not while I was there, and if they  
16 were, why was there -- I was never told about it.

17 Q Did you work with Mr. Baumann on a daily  
18 basis?

19 A I did.

20 Q Describe some of the interactions you  
21 had with Mr. Baumann at work.

22 A I mean, business as normal in the

1 mornings, you know. We might cut it up later in  
2 the mid-day area if we weren't, you know, too  
3 terribly busy, but pleasurable interactions  
4 normally all the way around for the most part.

5 Q What type of employee was Mr. Baumann  
6 when you worked with him?

7 A I'll tell you he's a pretty decent one.

8 Q Did he do the work that was asked of  
9 him?

10 A The best of his ability what he got to  
11 work with, yes, ma'am.

12 Q What does that mean, the best of his  
13 ability --

14 A If the --

15 Q Sorry, hold on. I just want to make  
16 sure the record is clear because we'll need this  
17 transcript later. Can you explain what you mean  
18 by the best of his ability with what he had to  
19 work with?

20 A So if the plant is not running, you  
21 know, he's kind of at a lull, you know. But if  
22 the plant is running, I mean, his job was to

1 manage his people. So I think, you know, he did  
2 -- you know, his people didn't really give him  
3 the, you know, I guess, the due and proper that a  
4 supervisor had, I guess, so you kind of had to  
5 ramrod him a little bit, but the plant is running.  
6 I think he did his job adequately, from what I  
7 seen.

8 Q Did he show up on time?

9 A He was actually the one that started the  
10 plant every day. The mill, I should say. He came  
11 in there, turned everything on, you know. I mean,  
12 I got there at the same time he did, but, you  
13 know.

14 Q Did he have a good attitude?

15 A For the most part.

16 Q And tell us about, you know, what you  
17 mean by the most part.

18 A You know, a couple things he would get  
19 riled up on, you know. Nothing negative. I mean,  
20 there was some safety concerns he'd get kind of  
21 riled up or get kind of irritated or fed up with  
22 some of the stuff we had to deal with day to day.



1           Q     And you mentioned something about  
2     safety. Did Mr. Baumann care about safety?

3           A     I would say so.

4           Q     Did he express any safety concerns that  
5     he had to you?

6           A     Yeah, sure did.

7           Q     And can you give us an example?

8           A     One was the dryer downstairs. It was  
9     leaking gas real bad. Real bad. I mean, to the  
10    point, you know, you were a smoker, you know, the  
11    whole place might go up. It was really bad.  
12    There was, on the other couple of floors, there  
13    was some rotten spots in the floor that got  
14    brought up to me. Just kind of overall, you know,  
15    rust, sharp things, you know, about. Just kind of  
16    in general. I mean, you know, kind of a walking  
17    tetanus shot in there.

18          Q     Mr. Baumann, was he responsible for  
19    fixing any of those concerns that he brought to  
20    you?

21          A     No. No, it was my responsibility.

22          Q     And was he, you know, allowed or

1 permitted to perform these maintenance tasks?

2 A Not by himself. It's, you know, he was  
3 more than willing to help if, you know, it was  
4 asked of him, I guess, but he wasn't supposed to  
5 do it by himself, no.

6 Q So in your experience, he would help  
7 occasionally with maintenance?

8 A Uh-huh. There's a couple welding jobs  
9 that I did in there that, you know, calling him my  
10 rod guy. You know, can you hand me a rod or  
11 whatever. He'll go plug in an extension cord or  
12 something like that for me.

13 Q In working with Mr. Baumann, could Mr.  
14 Baumann have performed any of the welding tasks  
15 that you performed?

16 A No, and I don't think Rob knows how to  
17 weld.

18 Q What about any of the electrical work?

19 A No, no, not at all.

20 Q In your working with Mr. Baumann, was he  
21 a good leader?

22 A From what I seen. I mean, he wasn't

1 directly my boss, but I thought he was pretty  
2 fair.

3 Q In working in the mill did you have an  
4 understanding of what Mr. Baumann's responsibility  
5 was as to a production demand each day?

6 A Run that one again. Sorry.

7 Q Sure. And just working in the mill,  
8 were you aware that Mr. Baumann of a production  
9 quota or demand or goal that he had each day?

10 A Yeah. So there was a call out for  
11 demand for so many tons or so many bags, I do  
12 believe, so.

13 Q Do you know what that number was?

14 A Not off the top of my head. I'm sorry.

15 Q Do you know if Mr. Baumann ever was  
16 successful in achieving that goal?

17 A More times than not, but not to -- not  
18 to his phone thing, but mill wasn't running.

19 Q You said the most times the mill was?

20 A Wasn't.

21 Q Okay. And why wasn't the mill running?

22 A Something was wrong with it. The bagger

1 was broke down or this was wrong, or the, you  
2 know, we were -- you know, most of the time we  
3 were shut down from whatever agency, you know,  
4 whether it be MSHA, the National Department of  
5 Natural Resources or the cops, for that matter.

6 Q You're saying that the mill would be  
7 shut down by either I think the police department,  
8 the Missouri Department of Natural Resources or  
9 MSHA?

10 A Yes.

11 Q And is it your testimony that those  
12 shutdowns would have affected Mr. Baumann's  
13 ability to meet the production demands?

14 A Yeah.

15 JUDGE MORAN: Can you -- okay. Right.  
16 It's shut down. The point is, you can't make  
17 production if the mill was shut down.

18 THE WITNESS: Yeah. Yeah, I guess I  
19 would -- yeah.

20 BY MS. SMITH:

21 Q Did you ever complain to anyone about  
22 Mr. Baumann?

1           A       I don't think so.

2                   MS. SMITH:   Okay.   And Your Honor, we  
3   have an exhibit, I think it's P43.

4                   JUDGE MORAN:   Okay.   Let's get that up.  
5   P43.

6                   MS. SMITH:   Yes.   This Exhibit P43  
7   starts in binder 2.   It goes on to binder 3, but  
8   we only need to look at binder 2.

9                   JUDGE MORAN:   Okay.   So identify for me,  
10   Attorney Smith, the -- is this exhibit, the  
11   transcript of the testimony of Russell Tidaback on  
12   January 22nd, 2024?

13                   MS. SMITH:   Yes.   This exhibit is a  
14   deposition transcript that's been certified of Mr.  
15   Russell Tidaback taken for this case.

16                   JUDGE MORAN:   Okay.

17                   MS. SMITH:   We would move to admit this  
18   exhibit as an admission by a party opponent and as  
19   a deposition taken in this case that's available  
20   to be used for any purpose under Federal Rule of  
21   Civil Procedure 32.

22                   JUDGE MORAN:   Any objection to the

1 admission of your deposition, Mr. Tidaback?

2 MR. TIDABACK: If I actually understood  
3 what all that meant I would have to say maybe, but  
4 I don't contest it.

5 JUDGE MORAN: All Right. I didn't hear.

6 MR. TIDABACK: I don't know what  
7 everything she meant that she just said, so I have  
8 to assume that it's correct, so yes. I have no --  
9 no objections.

10 JUDGE MORAN: Okay. But you're not  
11 challenging -- I understand what you just said  
12 about the completeness of her reasons, but I take  
13 it you agree that this accurately reflects --

14 MR. TIDABACK: Yes, Your Honor. JUDGE  
15 MORAN -- by Alpha Reporting  
16 and Video your deposition on January  
17 22nd?

18 MR. TIDABACK: Correct, Your Honor.

19 JUDGE MORAN: I will admit Exhibit P43.  
20 And while -- I've got four minutes here before I  
21 have to leave. You'll hear my alarm go off, but  
22 you're going to stay put. Let me just say

1 everyone can stretch and relax when we take this  
2 brief pause, but as I have told the previous  
3 witness, Mr. Baumann, and all witnesses that will  
4 testify, you can't talk with counsel or anyone  
5 else in this proceeding. You're going to have to  
6 just be quiet and during breaks, and even when you  
7 finished your testimony, you're not to be in touch  
8 with any of the witnesses in this case, counsel  
9 for the Secretary of Labor, any of the three of  
10 them. Okay? Until you are informed that the  
11 proceeding has concluded, which may not even be  
12 this week. All right. You understand all that?

13 THE WITNESS: Yes, sir, I really do.

14 JUDGE MORAN: Okay. Good. Thanks. I  
15 have a question just to fill a second here. When  
16 you talk about the garage door incident and  
17 eventually a forklift and a pallet involved for  
18 you to get up there and you felt it was unsafe.  
19 Is that right?

20 THE WITNESS: Yes, sir.

21 JUDGE MORAN: Okay. I lost whether,  
22 were you helping some other business across the

1 street or was this part of the mine property?

2 THE WITNESS: I do believe it's owned by  
3 American Tripoli.

4 JUDGE MORAN: Okay. But -- and so were  
5 you ever told you had no business being over there  
6 trying to help repair this door?

7 THE WITNESS: No. I never was. No, I  
8 mean, I was -- John actually said, hey, why don't  
9 you-all go over there and take a gander. See what  
10 you guys can do.

11 JUDGE MORAN: Okay. But you're not sure  
12 if it was American Tripoli proper in the mill  
13 operation. It was something across the road?

14 THE WITNESS: Yes, it was.

15 JUDGE MORAN: Not part of your normal  
16 duties?

17 THE WITNESS: No, no.

18 JUDGE MORAN: I just want to make sure I  
19 understood that. Go ahead with a few more  
20 questions. I want to use up as much time as  
21 possible here.

22



1 BY MS. SMITH:

2 Q Sure, Mr. Wheeler, Mr. Tidaback  
3 testified in his deposition that you did not like  
4 Mr. Baumann and that you believed he was lazy.  
5 Did you ever express to anyone that you did not  
6 like Mr. Baumann and that you believe he was lazy?

7 A No, ma'am.

8 Q Mr. Tidaback testified that you said Mr.  
9 Baumann did not help you with maintenance. Did  
10 Mr. Baumann help you with maintenance?

11 A Yes, he did. I just expressed an  
12 example of one time we did.

13 Q And how would you describe Mr.  
14 Tidaback's attitude towards safety?

15 A I don't think that there was an attitude  
16 for it nor against it. I think the politician,  
17 you know, saying like it's our number one  
18 priority, but I would experience different. I  
19 mean, neither for nor against it is about as fair  
20 as I can be.

21 JUDGE MORAN: Neutral.

22 THE WITNESS: Yes.

1 BY MS. SMITH:

2 Q You previously testified about some  
3 jagged edges. Were you referring to guarding?

4 A No, I'm -- everything that's in there is  
5 just jagged, you know. The handrails, you got to  
6 be careful with them handrails, you slice your  
7 hand open on those. Short bits and bobs around  
8 every corner. Just in general.

9 Q On the equipment, were there guards  
10 along the points where mill associates could come  
11 in contact with moving parts?

12 A Are you asking if there's guards there  
13 or was there supposed to be?

14 Q Were there guards there while you worked  
15 there?

16 A Not all of them.

17 Q Were some guards missing?

18 A Yes, ma'am.

19 Q Did you ever have any safety meetings at  
20 American Tripoli?

21 A I don't believe we did.

22 Q What personal protective equipment were

1 employees required to wear?

2 A I mean, it was kind of -- you know, your  
3 own preference, I guess, is kind of the vibe of  
4 it. If you had gloves, wear them. If you didn't,  
5 well, then, you're out of luck, you know. I did  
6 see some face masks, but I don't know where they  
7 were located and I think the --

8 JUDGE MORAN: Go ahead. I have two more  
9 minutes.

10 BY MS. SMITH:

11 Q Were you concerned about your safety at  
12 the mill?

13 A Yeah. Overall, I would say.

14 Q You mentioned dust masks, but you said  
15 you didn't know where they were available to --

16 A No. There was a little break room. I  
17 think the mill guys kept them in the drawers in  
18 there. I think they were going to use them. I  
19 don't know if they were or not. I know that there  
20 was talk about, you know, there wasn't enough or  
21 we were out one day or something or another, so I  
22 never had one on.

1 Q Do you know whether Mr. Baumann ever  
2 raised safety concerns to John Spears?

3 A Do I know if he did?

4 Q Yes.

5 A I wouldn't know if he did or didn't.

6 Q You were not involved in any of those  
7 conversations?

8 A No.

9 Q Do you ever recall a time that John got  
10 frustrated, yelled or raised his voice?

11 A In general or to a person?

12 Q To John Spears.

13 A Yeah, multiple times.

14 MS. SMITH: Okay. And if you want we  
15 can talk about, we can start at that topic when  
16 you're back.

17 JUDGE MORAN: That sounds good. Okay.  
18 So this is for the benefit of the court reporter.  
19 Are you there?

20 COURT REPORTER: Yes, I'm here.

21 JUDGE MORAN: Okay, good. We're going  
22 to take a break. I don't think it will be maybe

1 even less than ten minutes. Everyone is asked to  
2 stand by. I'm going to be making that call as  
3 soon as we stop. So anyone is free to use the  
4 restroom, whatever, just don't talk with anybody.  
5 Okay? Marcel Marceau. You know that person, the  
6 mime that doesn't talk. That's what you're all to  
7 be. Okay. Thank you.

8 (Recess)

9 JUDGE MORAN: We're going to go back on  
10 the record. We're back on the record. Go ahead,  
11 Attorney Smith.

12 MS. SMITH: Thank you.

13 BY MS. SMITH:

14 Q Prior to our break, Mr. Wheeler, you  
15 testified that there were times that Rob got  
16 frustrated and yelled. Is that correct?

17 A Yes, ma'am.

18 Q Is that better?

19 THE VIDEOGRAPHER: Did you hear the  
20 question?

21 COURT REPORTER: Yes, I believe I did.  
22

1 BY MS. SMITH:

2 Q And in these situations you observed,  
3 was Rob getting frustrated and raising his voice  
4 regarding any safety concerns at the mill?

5 A Yeah.

6 Q Can you describe one of those instances?

7 A It wasn't really my business, but I will  
8 hearsay that I did overhear some of it. You know,  
9 it was, you know, for the bag houses and all the  
10 dust was kind of the number one hot thing that was  
11 kind of argued about, you know. Is, you know, it  
12 was Rob's, you know, we can't run it with blowing  
13 dust like that, and John saying, well, you know,  
14 we can. And that's kind of his deal. Well,  
15 ultimately, you know, someone has got to win, so  
16 sometimes it was, you know, we ran but Rob didn't  
17 like it and other times, you know, it was pretty  
18 headstrong and we didn't run. There was one point  
19 in time where, you know, it was blowing dust  
20 pretty good, and I was like, you know, we need to  
21 shut down here. Then we have a chance to get it  
22 looked at here. Maybe there's something I can do,

1     you know, so.

2           Q     So some of the times that you heard of  
3     Rob get frustrated, yell or raise his voice had to  
4     do with dust in the mill?

5           A     Yeah. So yeah, there was that one time  
6     that I heard it, yeah.

7           Q     Do you recall any inspections by the  
8     Mine Safety and Health Administration while you  
9     were employed at American Tripoli?

10          A     I missed the first part of that  
11     question. I'm sorry.

12          Q     Do you recall any inspections by the  
13     Mine Safety and Health Administration, also MSHA,  
14     while you were employed at American Tripoli?

15          A     Yeah. I was, the first one where I got  
16     withdrew from the site, and then there was another  
17     one after I returned to the site, and then there  
18     was a third one that they brought them, the  
19     electrician MSHA inspector, so a total of three, I  
20     reckon.

21          Q     And in any of those inspections did you  
22     walk around with the MSHA inspector?

1           A       So the first one I did not. I withdrew  
2       from the site. The second one I did walk around  
3       with the MSHA inspector and also with the  
4       electrician guy.

5           Q       And in that third inspection where you  
6       walked around with the electrician guy, was Mr.  
7       Baumann also walking around during that  
8       inspection?

9           A       I don't know if he was -- well, I think  
10      he was with us on the latter half of that  
11      inspection. The first half I don't believe so.  
12      The second inspection with Mr. Baumann was there  
13      the whole time on that one. The electrician one,  
14      I think he was there on the latter half of the  
15      inspection, but I think that's right.

16          Q       And on that third inspection with the  
17      electrical person, was Mr. John Spears walking  
18      around during that inspection?

19          A       Uh-huh.

20                   JUDGE MORAN: You have to answer yes or  
21      no.

22                   THE WITNESS: Yes, sir, or yes, ma'am.



1 JUDGE MORAN: I have been called worse.

2 BY MS. SMITH:

3 Q After the inspection or before any  
4 inspection were you ever given any instruction by  
5 Mr. Spears about what to do during an MSHA  
6 inspection?

7 A Steer clear is what he said to me.

8 Q And how did you receive that message?

9 A Verbally at first.

10 JUDGE MORAN: How did you receive it,  
11 meaning how did you take that?

12 BY MS. SMITH:

13 Q Well, how did you receive the message  
14 steer clear? Was it in person?

15 A Yeah, verbal.

16 JUDGE MORAN: I'm sorry I talked over.  
17 What was your answer?

18 THE WITNESS: Verbally is what I said.

19 BY MS. SMITH:

20 Q And that came from Mr. Spears?

21 A Yeah. Yes.

22 Q Did you ever have a phone call involving

1 Mr. Tidaback about what to do during an MSHA  
2 inspection?

3 A Yes, I did.

4 Q And tell us about that.

5 A Kind of, you know, over generic, you  
6 know, play ball. Do what they say. Don't get  
7 involved if you don't have to. Things like that.

8 JUDGE MORAN: Let me just ask one  
9 question because I -- maybe because I trampled  
10 over yours. How did you take the instruction?  
11 When someone says to you steer clear, what does  
12 that mean to you?

13 THE WITNESS: Don't talk to them. Don't  
14 interact with them. Don't engage with them in any  
15 way, shape or form.

16 JUDGE MORAN: Okay.

17 BY MS. SMITH:

18 Q Were you ever given that message more  
19 than one time while you worked at American  
20 Tripoli?

21 A Yes, I was.

22 JUDGE MORAN: By whom?

1 THE WITNESS: John Spears.

2 BY MS. SMITH:

3 Q After MSHA inspectors pointed out  
4 problems, were you involved in correcting those  
5 problems, sometimes called terminating the  
6 citation?

7 A Yes, I was.

8 Q Did you ever mock up a fix to get a  
9 citation terminated?

10 JUDGE MORAN: Did you ever what?

11 BY MS. SMITH:

12 Q Mock up or kind of display that the  
13 citation had been fixed or terminated when maybe  
14 it really hadn't?

15 A Oh, yeah. I get your meaning, but yes,  
16 for the most part.

17 JUDGE MORAN: Well, I'm confused.  
18 You're saying that you didn't really fix something  
19 but told them that it was fixed?

20 THE WITNESS: No, sir, that's not the  
21 term here that was being used.

22

1 BY MS. SMITH:

2 Q So explain what you mean.

3 A So it was -- it was more or less along  
4 the lines that, so we would do something that was  
5 -- that was worthy of taking a picture, but it  
6 served no real purpose of doing anything.

7 Q So to terminate an MSHA citation you  
8 would take a photograph of the fix?

9 A I did not.

10 Q Okay. Who took these photographs?

11 A John did. John Spears did.

12 Q And then when you -- you know, I used  
13 the work mock up. Is there another word that  
14 would make sense?

15 A That -- jimmy rig, but.

16 Q So are you -- were you involved in any  
17 jimmy rigging of a -- correcting an MSHA citation  
18 in order to show that it was terminated?

19 A Yes.

20 Q And who told you to jimmy rig this kind  
21 of solution?

22 A John did.

1 Q Okay.

2 JUDGE MORAN: John?

3 THE WITNESS: Spears.

4 BY MS. SMITH:

5 Q Did Mr. Tidaback ever express to you his  
6 opinion of MSHA?

7 A Yes.

8 Q What was it?

9 A Overall, you know, dissatisfied. I  
10 mean, kind of the general consensus of any  
11 government entity, you know. Kind of, you know,  
12 they're just kind of just -- you know, I think  
13 negativity is too strong of a word, but distaste.  
14 There we go. I like that word.

15 Q I want to have you turn to an exhibit.

16 MS. SMITH: And if I may, Your Honor,  
17 may I approach to help the witness find the  
18 exhibit?

19 JUDGE MORAN: Yes, you may.

20 MS. SMITH: Thank you. We are going to  
21 turn to Exhibit P9.

22 JUDGE MORAN: Everyone on P9?

1 BY MS. SMITH:

2 Q And P9 has previously admitted. And Mr.  
3 Spears, do you recognize P9?

4 A I'm sorry?

5 Q Sorry. Mr. Wheeler, do you recognize  
6 what's being depicted here in P9?

7 A It looks like a Teams chat.

8 Q And you previously testified, did you  
9 use the Teams chat feature in your job?

10 A Yes, I did.

11 Q Okay. And if we look here, do you see a  
12 message from John Spears to you about not talking  
13 to MSHA? It's dated February 14th of 2023.

14 A The very top one, yes, I see it there.

15 Q And do you recall receiving this  
16 message?

17 A I do.

18 Q And what did you take this message to  
19 mean?

20 A As the exact same way as I got the  
21 verbal message of steering clear. You know, don't  
22 interact with them. Don't -- just stay away. Let

1 me handle it.

2 Q And on February 14th of 2023 was MSHA  
3 on-site performing an inspection?

4 A Yes.

5 Q And then the response to this message,  
6 does it list a name? It says unknown user. Do  
7 you recognize this response?

8 A Yeah, that's what I said.

9 Q The unknown user is you?

10 A Yes, it is.

11 Q Gage Wheeler.

12 A Yeah, because that's the -- that's odd.  
13 It says unknown user. That's what I said, though.

14 Q And who else -- you can see at the top  
15 it says part of that Teams chat group. Who else  
16 is in this Teams chat group?

17 A It looks like -- looks like just John  
18 Spears and me. Hang on. Hang on. So the best  
19 way to approach this. This is Russell said in  
20 response.

21 Q The blue message?

22 A The blue ones.

1           Q     You recognize the blue messages that are  
2     kind of on the right-hand side justified as the  
3     messages from Mr. Russell Tidaback?

4           A     Yes.

5                   JUDGE MORAN:   And how do you know that?

6                   BY MS. SMITH:

7           Q     And yeah, how do you recognize these  
8     messages as from Mr. Tidaback?

9           A     I remember the conversation in my mind,  
10    because so I'm going to read it right here.   Hang  
11    on.   I remember the conversation.   I don't know  
12    how else to best explain that.

13          Q     You remember those messages, and so when  
14    you remember participating in Teams chat and  
15    messages would come from Mr. Tidaback, was there  
16    some indication that would tell you who they were  
17    from?

18          A     Yeah.   Just the JS for John Spears, mine  
19    was a GW and then his was actually a picture of  
20    him, you know, and it will say, you know, RT.

21                   JUDGE MORAN:   So when I'm looking at P9,  
22    you saw this on your phone or something?



1 THE WITNESS: Yes, sir.

2 JUDGE MORAN: And it looked a little  
3 different from this because it would be more  
4 identifying information?

5 THE WITNESS: Yes, sir.

6 JUDGE MORAN: Okay. But do you recall  
7 apart from that, this blue -- blue encased text,  
8 you say -- I didn't need you to affirm or  
9 reaffirm, that that blue text was from Mr.  
10 Tidaback?

11 THE WITNESS: Yes, it was.

12 JUDGE MORAN: Okay.

13 BY MS. SMITH:

14 Q And this first message from you that's  
15 about in the middle of the page, where it says  
16 unknown user, 2-14 at 11:11 a.m., it states "There  
17 was no volunteering information." Do you see  
18 that?

19 A I do see that.

20 Q Why did you say no volunteering  
21 information?

22 A Because they told me don't be

1 volunteering any information to them. Don't be  
2 telling them stuff.

3 Q Why was it important to communicate to  
4 this group that you weren't volunteering  
5 information?

6 A Well, because I feared it. If not, I  
7 would get canned.

8 Q You were afraid that you would be  
9 terminated for volunteering information to MSHA?

10 A I would assume. That's kind of the word  
11 of the world, isn't it?

12 Q Well, I mean, was it at American  
13 Tripoli?

14 A From what I've heard, that's kind of the  
15 gist of it. And also, I will say this, I mean, I  
16 really was not, you know, voluntarily giving any  
17 information, anyway. I was simply asking  
18 questions so I could do my job.

19 Q Did you ever receive any kind of  
20 clarifying information after this exchange about  
21 what you were permitted to do during an MSHA  
22 inspection?

1           A       I remember -- I don't see it here. Let  
2 me --

3                   JUDGE MORAN: It doesn't have to be on  
4 this particular page.

5           A       I remember a transaction that Ms. Jordan  
6 sent me after I was told, you know, there was,  
7 don't be giving that information. Actually, it  
8 said don't talk to him is what it said, and then I  
9 called -- crawdad is what I called it. She got on  
10 there, she's like, of course, summed it up.  
11 Obviously we don't need to talk to them but don't  
12 be giving out information. That's kind of the  
13 gist of it.

14           Q       And what did you take that message from  
15 Ms. Jordan Tidaback?

16           A       That was a crawdad move. That was a  
17 collateral damage control I like to call that one.

18           Q       Can you just explain what a crawdad move  
19 is?

20           A       When you say something but then you back  
21 pedal a little bit like I didn't mean that in the  
22 sense, you know.

1           Q     Do you know during your time at American  
2 Tripoli if everyone -- anyone had ever called MSHA  
3 to make a complaint?

4           A     Yes.

5           Q     Do you know if Mr. Tidaback ever figured  
6 out who made that complaint?

7           A     I don't know if he did or didn't. I  
8 can't speak to that necessarily.

9                   JUDGE MORAN: Okay. Be careful here  
10 now. Okay. We don't want any identifying  
11 information of someone who might have made a call.  
12 Okay?

13                   BY MS. SMITH:

14           Q     As a maintenance person, did you ever  
15 receive the necessary support to comply with the  
16 MSHA standards?

17           A     Necessary support.

18           Q     The tools, equipment, training, things  
19 of that such.

20           A     So tool, the tool aspect of it, were,  
21 you know, they were subpar. They were -- not  
22 really. I'll just say not really just in general.

1 We were needing material to make guards. We  
2 didn't go buy material so they had me cutting  
3 apart some older guards to make some new ones.  
4 Even still that wasn't enough to completely  
5 satisfy the citation we were getting.

6 Q And when you say they wouldn't buy the  
7 material you needed to make the guards, who is  
8 that?

9 A So they made a decision, you know, John  
10 Spears and Russ.

11 Q When MSHA was not on-site, was it a  
12 priority at American Tripoli to comply with the  
13 MSHA standards?

14 A What do you mean by that?

15 Q When MSHA was not there, were there  
16 active conversations or steps in your role to  
17 ensure that the mill was complying with the MSHA  
18 standards?

19 A So in my experience there, if MSHA was  
20 not on-site we would -- we would try to run. That  
21 was kind of the thing of it. Now, whether --  
22 whether or not someone knew if that was going on

1 or not, that was the game plan for the day was to  
2 run even though we weren't supposed to.

3 JUDGE MORAN: And by run, you mean  
4 produce?

5 THE WITNESS: Yes, sir.

6 BY MS. SMITH:

7 Q When you say not supposed to run, what  
8 do you mean by that?

9 A We were told not to run, either by the  
10 police department or the Department of Natural  
11 Resources or MSHA. You know, we were told not to  
12 run because, you know, the dust issue or what have  
13 you.

14 Q And you said that there were times that  
15 you were running the mill anyway?

16 A Yeah, there was.

17 Q And who decided to run the mill anyway?

18 A John did. John, Mr. Spears did.

19 Q In your work with Mr. Baumann, did Mr.  
20 Baumann try to make the mill safer?

21 A I think he wanted to. He had no  
22 capacity to do so, because he didn't have, you

1 know, any resources given to him, but he did voice  
2 his opinion about trying to make it a little  
3 better, you know, and I remember a conversation I  
4 had with, you know, with him one time. He was  
5 like, can I use a quote?

6 JUDGE MORAN: If you can quote him  
7 accurately.

8 THE WITNESS: I can. This shit is not  
9 worth dying for.

10 JUDGE MORAN: Well, we've heard words  
11 like already like this in this proceeding. We're  
12 all calm with that.

13 THE WITNESS: Okay. Well, I didn't  
14 know.

15 BY MS. SMITH:

16 Q That's a quote from Mr. Baumann?

17 A Yes, ma'am.

18 Q Said to you?

19 A Yes, ma'am.

20 Q Did you have any concerns with Mr.  
21 Baumann's job performance?

22 A I didn't.

1           Q     You testified earlier that the police  
2     department, are you -- the Seneca Police  
3     Department?

4           A     Yes, ma'am.

5           Q     They came to the mill and told the mill  
6     not to run?

7           A     Can I use another quote?

8                     JUDGE MORAN:    Sure.

9                     THE WITNESS:    They said if you-all  
10    continue to run I'm taking every one of you son's  
11    of bitches to jail, end quote.

12                    BY MS. SMITH:

13          Q     And were you there when they said that?

14          A     I was.

15          Q     And what was your response to that?

16          A     Kind of laughed at them.

17          Q     And in these occasions before Mr. Spears  
18    instructed you to run anyway, what steps did you  
19    take? Were there any steps that you guys took to  
20    run the mill without -- even though the police had  
21    asked you not to?

22          A     Not that the particular time. They



1     ain't got no say over that.

2           Q     You mentioned earlier that you had  
3     interacted with several MSHA inspectors. Is that  
4     correct?

5           A     Yes.

6           Q     Do you recall their names?

7           A     The electrician feller, I do not know  
8     his name but one was Randy Hill.

9           JUDGE MORAN: Randy Hill?

10          THE WITNESS: Hill, H-i-l-l, I do  
11     believe is how you spell it.

12          JUDGE MORAN: Okay.

13          THE WITNESS: And then the feller, the  
14     inspector that told me, I don't remember his name.

15          JUDGE MORAN: So you only remember one  
16     of the three names?

17          THE WITNESS: Yes, sir.

18          JUDGE MORAN: Okay. But there were two  
19     other MSHA inspectors that you had interaction  
20     with?

21          THE WITNESS: Yeah. Total of three,  
22     yes, sir.

1 BY MS. SMITH:

2 Q Mr. Hill, the electrical person and then  
3 the person that pulled you from being untrained.  
4 Correct?

5 A Yes.

6 Q And did those inspectors act  
7 professionally?

8 A Yeah. So the one that pulled me, I  
9 didn't have much interaction with him but he  
10 seemed to be all right. He seemed to really care  
11 about us. The second, middle one, not the  
12 electrician one, he kind of seemed really by the  
13 book. He wasn't fun to talk to. He didn't really  
14 care to carry on a conversation. He seemed to be  
15 all about business, and the electrician one, he  
16 seemed pretty pleasant.

17 Q Did an MSHA inspector ever threaten to  
18 have the marshals come?

19 A If that threat was made it wasn't made  
20 to me.

21 Q Were you ever afraid of any MSHA  
22 inspectors?

1           A     Like physically?

2           Q     In any way. Did you fear the MSHA  
3 inspectors?

4           A     No.

5           Q     Do you know if any of the mill  
6 associates expressed to you that they were afraid  
7 of the MSHA inspectors?

8           A     I do believe, I want to say his name,  
9 give me just a second. I think Jimmie. I don't  
10 know his last name. Jimmie might have said  
11 something to me about it, and then trying to go  
12 through the list. So there's Jimmie, there's R.J.  
13 and then there's -- I can't remember his name.

14               JUDGE MORAN: But your testimony right  
15 now is about anyone who might have had concern  
16 about MSHA inspectors. That's what you're  
17 answering.

18               THE WITNESS: There's the two and I'm  
19 trying to remember the other name.

20               JUDGE MORAN: That's okay. If you can't  
21 remember, you can't remember. A couple people at  
22 the mine, employees expressed to you that they had

1 concern about MSHA inspectors?

2 THE WITNESS: Yes.

3 BY MS. SMITH:

4 Q Mr. Tidaback testified in his deposition  
5 that you got very angry with MSHA with how the  
6 inspectors were acting toward you and John. Did  
7 you ever get angry about the MSHA inspectors?

8 A I never got angry with me, you know,  
9 while, no.

10 MS. SMITH: And then I would like to ask  
11 the Court to look at Exhibit P39, which are  
12 discovery responses in this case. It's in exhibit  
13 notebook 2.

14 JUDGE MORAN: With uncharacteristic  
15 speed I'm at P39. You tell us, Mr. Wheeler, when  
16 you're there.

17 MS. SMITH: And I will just ask the  
18 court, we're going to move to admit this exhibit  
19 as discovery in this case and an admissions by a  
20 party opponent.

21 JUDGE MORAN: Any objection? Okay.

22 Thank you.

1 MR. TIDABACK: I don't object, Your  
2 Honor.

3 JUDGE MORAN: P39 is now admitted.

4 MS. SMITH: Thank you.

5 (Complainant's Exhibit P-39 was  
6 marked for identification and  
7 received in evidence.)

8 BY MS. SMITH:

9 Q And Mr. Wheeler, Mr. Tidaback responded  
10 to discovery in this matter that you had a history  
11 of being confrontational during MSHA inspections.  
12 Were you ever confrontational during MSHA  
13 inspections?

14 A I have a history of them?

15 Q You have a history of what?

16 A That's what I'm trying to ask. I have a  
17 history of them?

18 Q Yes. That is the testimony I'm asking  
19 you about. Have you ever been confrontational  
20 during an MSHA inspection?

21 A No, I have not.

22 JUDGE MORAN: Never been controversial

1 or contentious with MSHA inspectors. That's your  
2 answer?

3 THE WITNESS: No, sir, I'm not.

4 JUDGE MORAN: Okay.

5 THE WITNESS: I didn't know what the  
6 term history.

7 JUDGE MORAN: It means ever.

8 THE WITNESS: I have only him for a few  
9 months.

10 JUDGE MORAN: Well, I don't know, but if  
11 he says a history, that means from day one to the  
12 last day you worked. That's called a history. We  
13 have a history of this hearing. It's two days so  
14 far. Okay.

15 THE WITNESS: No, sir. No, I have not  
16 had a history or any of the like.

17 JUDGE MORAN: No confrontation?

18 THE WITNESS: No, sir.

19 BY MS. SMITH:

20 Q And Mr. Wheeler, you --

21 JUDGE MORAN: Excuse me, you have an  
22 objection, Mr. Tidaback?

1 MR. TIDABACK: I'm trying to figure  
2 where in the exhibit does it states that Mr. Gage  
3 or that I say that.

4 MS. SMITH: It's in Interrogatory No. 2.  
5 I didn't ask the witness to read it. It's not his  
6 statement. It came from the company, but it is in  
7 the Interrogatory 2.

8 MR. TIDABACK: She stated that I stated  
9 he stated or he has. That's what I am a looking  
10 for where it states that.

11 MS. SMITH: Interrogatory No. 2  
12 response.

13 MR. TIDABACK: Thank you.

14 BY MS. SMITH:

15 Q Mr. Wheeler, you quit your job at  
16 American Tripoli. Is that correct?

17 A I did.

18 Q Can you describe the circumstances that  
19 led to your resignation?

20 A Yeah. I kind of got overall just fed up  
21 with it, the constant, you know, barrage is a term  
22 I used from the MSHA shutdowns and stuff like

1 that. I got overall tired of it, and it kind of  
2 seemed like a pattern is, I guess, you know what  
3 I'm saying, you know, and I didn't want to ride it  
4 out, so.

5 MS. SMITH: Thank you. We don't have  
6 any other questions for this witness.

7 JUDGE MORAN: Okay. So we're going to  
8 -- it's 12:24. Let's see if we can soldier on and  
9 finish this witness. All right. So ahead.  
10 Everyone health wise okay to continue? I don't  
11 hear any objection. You okay, Mr. Holt? How's my  
12 court reporter doing?

13 COURT REPORTER: I'm fine.

14 JUDGE MORAN: Okay.

15 THE VIDEOGRAPHER: Yes, she's fine.

16 JUDGE MORAN: She did respond. That's  
17 what you're saying. Okay. Go ahead, Mr.  
18 Tidaback, with your questions of Mr. Wheeler.

19 CROSS-EXAMINATION

20 BY MR. TIDABACK:

21 Q How's it going, Gage? How are you  
22 doing?



1           A       Are we done with this?

2                   JUDGE MORAN:   You can open or close it.

3   It doesn't matter.   I don't know.   Just be ready.

4                   THE WITNESS:   Okay.

5                   BY MR. TIDABACK:

6           Q       Given the circumstances of your  
7   departure, your quitting, do you believe that you  
8   can provide an unbiased account of the conditions  
9   of practices at the mine, including Mr. Baumann's  
10   employment and job performance, a fair one?

11          A       Can you dumb it down for me.

12          Q       Yes, sir.   So in your short time that  
13   you worked there, less than 60 days.   Correct?

14          A       I think it was right around, yeah.

15          Q       Do you believe that you have enough  
16   experience and unbiased account, unbiased account  
17   of the conditions and practices, including Mr.  
18   Baumann's performance?

19          A       I would like to correct myself.   So  
20   around December to February.   That's like three  
21   months.   That's not 60 days.

22                   JUDGE MORAN:   Okay.   But his question is

1 very basic. What he is asking, and you can tell  
2 me if I have this wrong, Mr. Tidaback, he's just  
3 saying given that you were there a relatively  
4 short period of time and that you departed, you  
5 quit, you weren't fired. Right?

6 THE WITNESS: Yes.

7 JUDGE MORAN: You quit.

8 THE WITNESS: Yes.

9 JUDGE MORAN: He's asking if short time  
10 and that you quit, can we consider your testimony  
11 to still be fair and honest and not biased against  
12 American Tripoli?

13 THE WITNESS: Yeah, absolutely. I have  
14 been nothing but I think fair since I was there.

15 JUDGE MORAN: You asked his opinion  
16 about fairness and he says yes, I believe I can be  
17 and have been fair in my testimony. Is that  
18 right?

19 THE WITNESS: Yes, sir.

20 JUDGE MORAN: You don't have an axe to  
21 grind or get even?

22 THE WITNESS: No, I don't.

1 JUDGE MORAN: Okay.

2 THE WITNESS: I quit. He didn't do  
3 nothing to me. I quit, you know.

4 JUDGE MORAN: Okay.

5 BY MR. TIDABACK:

6 Q So during that time you were still  
7 learning your job, the whole process, the mill,  
8 because it's not something easy. Correct?

9 A No, sir.

10 Q In that short period of time. So in  
11 that time, evaluating somebody else's performance,  
12 not as their supervisor, would be very difficult.  
13 Right?

14 A That's correct.

15 Q Okay. So, again, as that limited time  
16 that you were at the mill, in certain and the  
17 specific circumstances of your employment  
18 departure, learning the mill, which is very  
19 difficult, is it -- how are you able to evaluate  
20 the overall conditions and practices of the mill  
21 if you were still learning your job?

22 A Because I got eyes.

1           Q     Right. I understand that. But as far  
2 as what you're putting out in the court today, you  
3 were still learning it. Correct?

4           A     Come on, brother.

5           Q     Hey, I'm with you.

6                   JUDGE MORAN: Let's keep it civil now,  
7 folks.

8                   BY MR. TIDABACK:

9           Q     Okay. So when you first started, you  
10 know, your initial employment period, the company,  
11 we advanced you a thousand dollars?

12          A     Absolutely you did.

13                  MS. SMITH: Judge, we're going to object  
14 to this line of questioning. It's not relevant to  
15 the issues that we have here today in front of us,  
16 regarding discrimination.

17                  JUDGE MORAN: I tend to agree. What is  
18 the relevance of your -- of even mentioning that,  
19 and he agreed before the objection that you  
20 advanced him a thousand dollars. Why should I  
21 care about that?

22                  MR. TIDABACK: Mr. Gage was important to

1 us being the maintenance person --

2 JUDGE MORAN: Yes.

3 MR. TIDABACK: -- in that position, so  
4 we wanted to ensure that we had that maintenance  
5 person.

6 JUDGE MORAN: Okay.

7 MR. TIDABACK: Very critical, very  
8 difficult to get as Mr. Gage pointed out. We  
9 needed his experience. He was important to have  
10 to us just as Mr. Baumann --

11 JUDGE MORAN: How does that help me  
12 decide this case, that you needed him and you gave  
13 him a thousand dollars?

14 MR. TIDABACK: We went out of our way  
15 that we wouldn't have done for anybody else to  
16 make sure that Mr. Gage was taken care of. So we  
17 were trying to protect Mr. Gage. We wanted him,  
18 we needed him. We went out of our way.

19 JUDGE MORAN: I'm not going to allow  
20 that question.

21 MR. TIDABACK: Okay. Yes, Your Honor.

22

1 BY MS. SMITH:

2 Q So when you decided to leave the  
3 company, you didn't give a formal notice or  
4 communicate that your intentions directly until  
5 after you sought -- or after you found out that  
6 you couldn't communicate in Teams. Correct?

7 A No. I had a correspondence and I think  
8 I texted or messaged, you know, John or I can't  
9 remember how I expressed the response, but yes, I  
10 did let somebody know.

11 Q Okay. Looking back -- okay. So talking  
12 about your interactions with MSHA.

13 A Okay.

14 Q Do you remember our conversations about  
15 the electrical lights in the maintenance room? Do  
16 you remember that?

17 A Yeah. They didn't have the guards on  
18 them, the light bulbs.

19 Q The bulbs, then. Correct?

20 A Well, some of them didn't have bulbs.  
21 Are you talking about the long ones?

22 Q Yes. The one long.

1 A Or the actual screw in bulb ones?

2 Q The ones you guys had to all replace.

3 A Yeah.

4 Q Remember that conversation?

5 A I do.

6 Q Remember the conversation where you were  
7 talking about the inspector going out of his way,  
8 being ridiculous, there's no way anybody can get  
9 hurt from that light fixture?

10 A The ones that --

11 JUDGE MORAN: Let's just back it up. Do  
12 you remember having a conversation where you  
13 asserted that the inspector said there was no  
14 possible hazard?

15 MR. TIDABACK: That he communicated to  
16 me that there was no way anybody could get --

17 JUDGE MORAN: All right. Did you say  
18 that to Mr. Tidaback, that there was no way anyone  
19 could get hurt by that light fixture issue?

20 THE WITNESS: Yeah, I did say because  
21 they weren't hooked up, yeah.

22 JUDGE MORAN: They weren't. The

1 electricity was not running through them?

2 THE WITNESS: No.

3 JUDGE MORAN: Is that why you said  
4 there's no way anyone can get hurt?

5 THE WITNESS: Yes.

6 JUDGE MORAN: So he said yes. He had  
7 that conversation with you.

8 BY MS. SMITH:

9 Q So when you were talking about that day  
10 -- back to the MSHA. When the MSHA inspector was  
11 -- I'm trying to remember our conversation -- that  
12 was issuing that citation, you communicated with  
13 me, is it correct that you communicated with me  
14 that he was overboard and being, I don't remember  
15 the terminology used, but?

16 A Anal retentive is the word I used.

17 Q Thanks. You remember the conversation?

18 A Yes, I do.

19 Q So in that you were frustrated and angry  
20 at that inspector for going overboard, I'm trying  
21 to remember your terms, overboard for issuing that  
22 citation?



1           A       I never said anything to the inspector.

2           Q       No, no, to me.

3                   JUDGE MORAN: We have an objection, but.

4           MS. SMITH: I'm objecting it was  
5   misstating the testimony. He testified that he  
6   thought the inspector was anal retentive, and then  
7   Mr. Tidaback characterized the testimony as  
8   frustrated or angry. And so the word he testified  
9   that he found the MSHA inspector anal retentive.

10           JUDGE MORAN: Okay. Let me see if I can  
11   clear this up. My understanding, Mr. Wheeler, is  
12   that MSHA issued a citation connected with the  
13   light issue, and your disagreement with him was,  
14   let me see if I have this right. You can tell me  
15   if I got it wrong. Tell me if I'm wrong. It  
16   wasn't that there wasn't a violation, but you had  
17   an issue about, because it wasn't hooked up, that  
18   you felt no one could be hurt. Is that right?

19           THE WITNESS: Yes, sir.

20           JUDGE MORAN: All right. Go ahead, Mr.  
21   Tidaback.

22

1 BY MS. SMITH:

2 Q Okay. So that morning that the --  
3 Andrew Lawson from the quarry pit, you remember  
4 the dump truck driver. Okay?

5 A Okay.

6 Q Okay. And that morning, what was going  
7 on with Andrew and John?

8 A The only thing I know that happened was  
9 the other feller, he got arrested.

10 Q Correct. So this is referencing to P9  
11 in the book where John's -- if we go to P9.

12 JUDGE MORAN: You're going to have to  
13 explain to me first. What is the purpose --  
14 remember, last I checked I'm being a little  
15 humorous here, this is about Mr. Baumann.

16 MR. TIDABACK: That is correct.

17 JUDGE MORAN: So I need you to explain,  
18 maybe a proffer to me about the purpose of asking  
19 this witness about some other employee who was  
20 arrested on a given date. What's the purpose of  
21 this line of questioning?

22 MR. TIDABACK: P9 references to the

1 message where John sent Mr. Gage the message about  
2 don't speak to -- don't -- I don't remember the  
3 exact terminology that it was in the text message,  
4 but don't speak with MSHA. That relates to what  
5 was going on with John.

6 JUDGE MORAN: Now you're testifying. So  
7 you're saying that the context of the remark from  
8 Mr. Spears to Mr. Wheeler --

9 MR. TIDABACK: Yes.

10 JUDGE MORAN: -- occurred in the context  
11 of a person being arrested at your property?

12 MR. TIDABACK: That is correct.

13 JUDGE MORAN: And did you understand --  
14 do you remember, first of all, a remark from --  
15 from Mr. Spears about not talking with MSHA, if  
16 that was limited to the idea of this arrest that  
17 was going on? Is that how you took that message?

18 THE WITNESS: No, sir.

19 JUDGE MORAN: And why did you not take  
20 it as so limited?

21 THE WITNESS: I think he said it was  
22 happening on the same day. I'd have to get -- I

1 don't think it was happening on the same day, and  
2 I know for a fact those lights weren't happening  
3 on the same day that old boy got arrested. And so  
4 I know that the first MSHA inspector, I don't  
5 think it was happening on the same day.

6 JUDGE MORAN: Okay. Let me just make  
7 sure I understand your testimony in this regard as  
8 well. If we assume for the sake of argument that  
9 the remark by Mr. Spears was, this is for the sake  
10 of argument, was limited to this arrest situation.  
11 Am I correct in my recollection that there were  
12 other instances from Mr. Spears communicating to  
13 you in one fashion or another to keep your head  
14 low and not say don't volunteer information to  
15 MSHA inspectors. Is that correct?

16 THE WITNESS: That's what was said.

17 JUDGE MORAN: Okay. So it wasn't just  
18 this one instance, however it occurred, in the  
19 context of someone being arrested. There were  
20 other instances?

21 THE WITNESS: Sure.

22 JUDGE MORAN: Sure.

1 THE WITNESS: I don't know, Your Honor.

2 JUDGE MORAN: What?

3 THE WITNESS: What's the question?

4 JUDGE MORAN: Okay. When Mr. Spears, my  
5 understanding is on other occasion he asked you to  
6 not volunteer information to MSHA inspectors. Is  
7 that true?

8 THE WITNESS: He did say that.

9 JUDGE MORAN: Okay. Go ahead. Do you  
10 have any other questions about this, because I  
11 think we're really afield with this. If you try  
12 to say the context is limited to the arrest, if  
13 you want to point me to the -- within your tying  
14 up the arrest, this is just -- we're really going  
15 down a cul-de-sac on this.

16 MR. TIDABACK: Without testifying, Your  
17 Honor --

18 JUDGE MORAN: We'll wait until some  
19 testimony. Have Mr. Spears explain that actually  
20 he kind of liked MSHA, and I'm being humorous  
21 here, but I kind of liked MSHA and his remark was  
22 only meant in the context of this arrest issue.

1 He can testify to that. I'll listen to that.

2 MR. TIDABACK: Great, Your Honor.

3 JUDGE MORAN: Okay. Next question, if  
4 any.

5 BY MS. SMITH:

6 Q If MSHA asked you something you would  
7 answer it. Right?

8 A Yes.

9 Q So you walked around with MSHA  
10 inspectors. Correct?

11 A I did.

12 Q Numerous times or the three times that  
13 you said, I guess?

14 A Twice.

15 Q You are correct. And you weren't  
16 terminated for any of those anytime?

17 A Terminated saying you fired me?

18 Q Terminated for participating in those  
19 inspections.

20 A No, I wasn't fired.

21 Q Okay. So okay. When you talk about the  
22 jagged equipment, were those recorded -- did you

1 record those in the workplace maintenance blog,  
2 workplace exam?

3 A I did not.

4 Q Okay. When you were talking about  
5 ladders and safety, did you request that in teams  
6 or the safety concern, the daily workplace exams,  
7 the maintenance lists, the requests?

8 A As I stated early, I did not request a  
9 ladder on that specific date. Bryston did, of  
10 course, you know. I did not put it in Teams or  
11 anything like that. We need one. You know, come  
12 to it was something we need one, can we get one.

13 Q Could there have been one or multiple  
14 ladders in the mill?

15 A Could there have been? If there was,  
16 nobody knew where they were at.

17 Q On all four floors?

18 JUDGE MORAN: He knew of no ladders.  
19 Okay.

20 BY MS. SMITH:

21 Q So you had previous experience as a  
22 miner, you stated. Right?

1           A       Yes.

2           Q       So you would be considered an  
3 experienced miner?

4           A       I wouldn't say -- experienced miner, I  
5 never did any mining. Like I've never been  
6 underground doing mining, but I work at a mining  
7 industry.

8                   MS. SMITH: Your Honor, we will just  
9 object to the phrase experienced miner. Has a  
10 very particular --

11                  JUDGE MORAN: I know it does. I know it  
12 does. He's answered and clarified that. We're  
13 not saying that he had experienced miner training  
14 or anything along that line. Okay. Go ahead, Mr.  
15 Tidaback. Is that about it?

16                  MR. TIDABACK: That's it, Your Honor.

17                  JUDGE MORAN: Do you have any redirect?

18                  MS. SMITH: No, we have no further  
19 questions of this witness.

20                  JUDGE MORAN: So your testimony is  
21 concluded. I have to say that when I called you a  
22 character, that was meant as a compliment. It



1 means that you're alive and you have a  
2 personality. I like that.

3 THE WITNESS: Riveting, some would say.

4 JUDGE MORAN: Riveting. That's an  
5 appropriate term for mechanics. You deal with  
6 rivets all the time.

7 THE WITNESS: Yeah.

8 JUDGE MORAN: Okay. Nice to meet you.  
9 You're not to talk with anyone until you hear this  
10 hearing has ended, which may not even be this  
11 week. All right. Thank you for your testimony,  
12 sir.

13 THE WITNESS: You're welcome.

14 JUDGE MORAN: Okay. What's up next?

15 MS. O'REILLY: We're going to call Mr.  
16 Carson Allman.

17 JUDGE MORAN: Okay.

18 MS. O'REILLY: I have this on mute,  
19 sorry, and then we have a form for you.

20 JUDGE MORAN: Yes. Thank you.

21 MS. O'REILLY: Your Honor, if we may  
22 just while we're all here, Mr. Wheeler, can you --

1 Mr. Wheeler, we're going to give him the witness  
2 fee forms. We need to give him the form for  
3 appearing.

4 JUDGE MORAN: Don't go, Mr. Wheeler.  
5 They want to give you something.

6 MS. SMITH: So you can get reimbursed  
7 under the subpoena. We just don't want anyone to  
8 think we're doing anything untoward.

9 MS. O'REILLY: And I think Mr. Wheeler  
10 may have a question for you, Your Honor. Did you  
11 want to ask him?

12 THE WITNESS: I was going to go sit  
13 down, if that's all right.

14 JUDGE MORAN: No, I think we like you  
15 and everything and you're a pleasant person, but  
16 I'm trying to think if there's a reason why you  
17 can't observe the rest of the proceeding, if you  
18 wish.

19 MS. O'REILLY: He's already testified.  
20 We would not call him on redirect. We don't have  
21 a purpose for Mr. Wheeler after his testimony  
22 today.

1 JUDGE MORAN: Do you have any objection,  
2 Mr. Tidaback, to him staying in the hearing today?

3 MR. TIDABACK: Yes, Your Honor. I don't  
4 know if we would be recalling Mr. Wheeler, so I  
5 can't say that.

6 JUDGE MORAN: You might be recalling him  
7 as an adverse witness on your case in chief?

8 MR. TIDABACK: I don't know at this  
9 point until we have the other testimony.

10 JUDGE MORAN: Okay.

11 MS. O'REILLY: He's not listed on the  
12 Respondent's witness list.

13 MR. TIDABACK: It actually states  
14 anybody that the Secretary called.

15 JUDGE MORAN: Yes. Are we still on the  
16 record here or are we off the record?

17 COURT REPORTER: We're still on the  
18 record.

19 JUDGE MORAN: Okay. Thank you. Well,  
20 see, the problem with that is I don't -- I don't  
21 see a basis that you could recall this witness.  
22 You had an opportunity, a full opportunity to ask

1 him questions about his limited testimony. But  
2 when you talk about calling him, you had an  
3 opportunity to and I'll give you one even right  
4 now. If you believe there are other areas that  
5 you wanted to have him testify about, but I think  
6 it's fundamentally unfair to sort of hold him here  
7 or let him stay if he wants to. I understand the  
8 question about he would hear other testimony and  
9 that could cause a problem, but I don't -- I don't  
10 see a basis for you to legitimately call him back  
11 as a witness given that you've had an opportunity  
12 to cross examine him about his testimony. Is  
13 there some independent grounds that you would need  
14 to call him as a witness?

15 MR. TIDABACK: Without knowing the  
16 testimony of others, I wouldn't know if I would  
17 need his testimony as well.

18 JUDGE MORAN: Well, I hate to be  
19 unfriendly, but I don't want to -- and I think if  
20 this was error on my part it would not be  
21 reversible error in my decision, but I'm afraid  
22 I'm going to have ask you, even though it's very

1 unlikely that you would be called back, I'm going  
2 to exceed to Mr. Tidaback's request that you not  
3 stay in the hearing room.

4 THE WITNESS: That means yes or no?

5 JUDGE MORAN: That means you can go. It  
6 means you can't stay.

7 MS. O'REILLY: Thanks.

8 JUDGE MORAN: Take care in your travel.

9 MS. O'REILLY: Can you go get Carson.

10 JUDGE MORAN: So we're on the record?  
11 Aren't we still?

12 COURT REPORTER: Yes, we are.

13 JUDGE MORAN: So give me the name of  
14 this next witness again?

15 MS. O'REILLY: Carson Allman.

16 JUDGE MORAN: U-l-l-m-a-n?

17 MS. O'REILLY: A-l-l-m-a-n, yes.

18 JUDGE MORAN: And is he on your witness  
19 list?

20 MS. O'REILLY: Yes.

21 JUDGE MORAN: Identified as Carson  
22 Allman?

1 MS. O'REILLY: In our -- we submitted  
2 two days before specifically identifying the  
3 miners.

4 JUDGE MORAN: You understand the reason  
5 for that, Mr. Tidaback?

6 MR. TIDABACK: Yes, Your Honor.

7 JUDGE MORAN: So that's fine, and this  
8 is Mr. Carson Allman who's right here? Okay. And  
9 here's the dilemma. We're coming up a quarter to  
10 1:00. Can you give me, not a hard, but a general  
11 estimate of how long his testimony will last? I'm  
12 deciding whether to have lunch.

13 MS. O'REILLY: It's very similar to Mr.  
14 Wheeler's. Probably in the 30 to 40 minute time  
15 range.

16 JUDGE MORAN: Okay. So I'll ask, I have  
17 asked Mr. Holt. I want to ask the court reporter  
18 and Mr. Tidaback and his daughter, do you want to  
19 go forward? I can do it, but if you want to take  
20 a break and meet back at -- in 45 minutes. What's  
21 your wish?

22 MR. TIDABACK: I'm good, Your Honor,

1 with whatever your decision is.

2 JUDGE MORAN: How about you? How are  
3 you hanging in there?

4 THE VIDEOGRAPHER: Very good. I'm along  
5 for the ride.

6 JUDGE MORAN: How about my trusty court  
7 reporter, Ms. Blackerby?

8 COURT REPORTER: Whatever is fine. I'm  
9 fine with anything.

10 JUDGE MORAN: No fainting on us. Right?

11 COURT REPORTER: No.

12 JUDGE MORAN: For lack of food or  
13 whatever. Then we're to proceed. All right?  
14 Thank you, Ms. Blackerby. How is my marshal  
15 doing? You okay, too?

16 THE MARSHAL: Whatever you want me to  
17 be, Your Honor. That's the joy of my services.

18 JUDGE MORAN: Okay. Thank you. Are we  
19 ready to begin? Mr. Allman, I'm Judge Moran.  
20 Would you stand, please, raise your right hand.  
21 Whereupon,

22 CARSON ALLMAN

1 was called as a witness and, having been first  
2 duly sworn, was examined and testified as follows:

3 JUDGE MORAN: Sit down, state your name  
4 and spell it for the record, please. And I want  
5 you -- you seem soft spoken. I want you to not be  
6 soft spoken. Speak up. Okay?

7 THE WITNESS: Okay. Carson Allman.  
8 C-a-r-s-o-n A-l-l-m-a-n.

9 MS. O'REILLY: And again, Your Honor, we  
10 ask for the same protective order to limit any  
11 testimony into Mr. Allman's current employment or  
12 his home address.

13 JUDGE MORAN: Absolutely. That's  
14 granted. Protective order.

15 MS. O'REILLY: Thank you.

16 DIRECT EXAMINATION

17 BY MS. O'REILLY:

18 Q And, Mr. Allman, can you state your name  
19 again?

20 A Carson Allman.

21 Q How are you familiar with American  
22 Tripoli in Seneca, Missouri?



1           A       I worked there from September 13th to  
2   November, doing maintenance.

3           Q       And you said September 13th, is that of  
4   2022?

5           A       Yes.

6           Q       And then through November of 2022?

7           A       Yes, ma'am.

8           Q       And you said that you were in  
9   maintenance?

10          A       Yes.

11          Q       And was -- what building did you work  
12   in?

13          A       The mill mostly. Did some stuff in the  
14   offices, but most of it, the time was in the mill.

15          Q       And who was your supervisor?

16          A       John Spears.

17          Q       What was your typical work schedule?

18          A       It was supposed to be 8:00 to 4:00, but  
19   depending on equipment and stuff like that, most  
20   of the time I wasn't getting out of there until  
21   about 8 o'clock, so.

22          Q       8 o'clock in the evening?

1 A Yes, ma'am.

2 Q What were your responsibilities as the  
3 maintenance person?

4 A Keep the machines running. And towards  
5 the end of it, a lot of it was doing repairs as  
6 needed for the MSHA citations.

7 Q When you were hired were you the only  
8 maintenance person?

9 A No. There was a feller working there  
10 before me. His name was Jesse Hodges, I believe.

11 Q And what happened to Mr. Hodges?

12 A He was fired.

13 Q At some point were you the only  
14 maintenance person while the plant was running?

15 A Yes.

16 Q And when you were the only maintenance  
17 person, how many shifts were running at the plant  
18 at that time?

19 A There was two shifts that they had  
20 employees coming in for, but they were only  
21 running on second shift, for the most part.

22 Q And you were the maintenance person

1 covering that shift?

2 A Yeah.

3 Q Did you receive any information or  
4 training on the product that was being milled?

5 A Yeah.

6 Q And did you know that Tripoli is made  
7 mostly of silica?

8 A Yes.

9 Q Did you receive any training on the  
10 hazards related to silica?

11 A No.

12 Q Prior to working at American Tripoli had  
13 you ever worked at a mine before?

14 A No. That was my first time.

15 Q How long had you worked at American  
16 Tripoli before you got the new miner training?

17 A Probably just about a month, if not a  
18 little bit over a month.

19 Q When you were hired, did you start  
20 working right away?

21 A Yeah.

22 Q Were you being closely supervised by

1 anyone during your work prior to getting your MSHA  
2 new miner training?

3 A John Spears would come out every now and  
4 again just to kind of check up and see how things  
5 were going, but that was just about it.

6 Q No one was closely supervising you  
7 during your entire time you were working prior to  
8 your new miner training?

9 A No. Mostly just when John Spears would  
10 come out to check up on how we were doing.

11 Q We're going to talk about your new miner  
12 training. Do you recall the entity that provided  
13 your new miner training?

14 A I think her name was Peggy.

15 Q Do you know what organization Peggy was  
16 with?

17 A I do not.

18 Q Okay. And was that training done in  
19 person?

20 A Yes.

21 Q Did Mr. Tidaback ever tell you anything  
22 about what to say or do with Peggy, the trainer?

1           A       Mostly just not to tell any stories  
2       about the mill itself to the inspectors.

3           Q       Did Mr. Tidaback tell you that in  
4       person?

5           A       Yes.

6           Q       Did you receive any task training while  
7       working at American Tripoli?

8           A       No. Just kind of got told what needed  
9       to get done and started work on what they wanted  
10      me to.

11          Q       Did you receive any task training on  
12      welding?

13          A       No. I knew how to weld when I started  
14      there, so.

15          Q       Did you about perform welding while you  
16      worked there?

17          A       Yeah. Did quite a bit of welding when I  
18      was there.

19          Q       Did you receive any task training on  
20      electrical repair?

21          A       No.

22          Q       Did you perform any electrical repair?

1           A       Yeah, we did quite a bit of electrical  
2 when I was there.

3           Q       Did you receive any task training on  
4 performing workplace exams?

5           A       No.

6           Q       Did you perform any workplace exams?

7           A       I would say so maybe.

8           Q       Do you know what a workplace exam is?

9           A       Not really. I'm not quite sure on what  
10 you're asking there.

11          Q       Okay. Did you receive any training on  
12 forklifts?

13          A       No.

14          Q       Did you ever operate a forklift?

15          A       We had to operate quite a few of them to  
16 move the heavier equipment, like auger bellies and  
17 stuff like that.

18          Q       Did you receive any task training on  
19 lockout/tagout?

20          A       No, I supplied my own locks when I  
21 started there.

22          Q       Did you perform lockout/tagout in your

1 role?

2 A Yes.

3 Q And you provided your own locks from  
4 home?

5 A Yes.

6 JUDGE MORAN: Let's make sure those  
7 answers are coming in. The answer to the last  
8 question was yes, you provided your own locks and  
9 you didn't receive locks from the mine operation?

10 THE WITNESS: Yes.

11 JUDGE MORAN: Is that right?

12 THE WITNESS: Yes.

13 BY MS. O'REILLY:

14 Q And you can't see it, but we do have a  
15 court reporter here. She is appearing virtually  
16 so she's writing down all our answers, so it's  
17 helpful if you let me finish asking my question  
18 before you start your answer because when we kind  
19 of talk over each other your answer starts really  
20 close to my question it's hard for her to get all  
21 that down.

22 A Okay, sorry.

1           Q     Who was the individual who managed the  
2 plants day to day?

3           A     John Spears.

4           Q     Was it your understanding that Mr.  
5 Spears had to get approvals from Mr. Tidaback?

6           A     Yes.

7           Q     And what kind of things did Mr. Spears  
8 need to get approval from Tidaback?

9           A     With ways to repair things, parts we  
10 needed to repair things. Stuff like that.

11          Q     And how do you know that?

12          A     Because there was several times I had to  
13 ask John Spears for materials to fix stuff, and he  
14 had to go through Russell first.

15          Q     Did you ever work with Mr. Baumann while  
16 you were employed?

17          A     I worked with Mr. Baumann quite a bit  
18 while I was there when he was on second shift.

19          Q     Do you recall Mr. Baumann moving to  
20 first shift? Do you recall Mister -- I could have  
21 said it wrong. Do you recall Mr. Baumann being  
22 moved from second shift to first shift?



1           A       I'm not sure if he was on first shift  
2 while I was there or not. When I first started  
3 there there was a different supervisor named Will  
4 on first shift. So Robert was on second while I  
5 was there.

6           Q       Did you ever interact with Mr. Tidaback  
7 in your role as maintenance?

8           A       Mostly on Teams. I met him the week of  
9 our MSHA training.

10          Q       You met Mr. Tidaback in person during  
11 your MSHA training?

12          A       Yeah. That was the first time I met him  
13 was the day the MSHA inspector or the MSHA trainer  
14 was there to do our new miner.

15          Q       And describe the interaction that you  
16 had with him that day.

17          A       Not very pleasant. Started off with him  
18 yelling at the four of us about the way things  
19 were going before sending us over into the new  
20 miner training.

21          Q       We're going to break that down a little.

22          A       Yes. Yes.

1           Q     You said the four of us. Who are you  
2 referring to?

3           A     Me, Terry Newburn, Jesse Hodges and the  
4 supervisor at the time. I think his name was  
5 Will. I think he was there, but if not, it was  
6 me, Terry and Jesse Hodges.

7           JUDGE MORAN: Help me out. Keep your  
8 voice up for me. Okay?

9           BY MS. O'REILLY:

10          Q     It might help if you -- we have a  
11 microphone here on our shirts that help the court  
12 reporter, but this microphone here in front of you  
13 helps the judge hear you.

14          A     Okay. Sorry.

15          Q     Speak kind of in that microphone there.

16          A     Okay.

17          Q     And you mentioned the name Terry  
18 Newburn. Are you related to Mr. Newburn?

19          A     He's my brother-in-law.

20          Q     And you said that Mr. Tidaback was  
21 yelling that day. What was he yelling about?

22          A     Just the way that things were going.

1 The plant had been down for quite awhile before he  
2 showed up. Trying to get it back running.

3 Q Do you know why the plant was down?

4 A The bag house was the current issue.

5 About a week before I started there was an issue  
6 with the local police due to the dust that was --  
7 the bag house was putting out.

8 Q And that caused the plant to be down?

9 A Yeah. Because the local police told  
10 John Spears and the day shift supervisor that if  
11 they ran, they'd arrest them all.

12 Q And then describe for me your  
13 interactions with Mr. Spears.

14 A Mr. Spears, mostly what he would do is  
15 just come out and check up on us, give a report  
16 back to Russell. See how things were going with  
17 repairs and stuff.

18 Q And did he tell you he was reporting  
19 back to Mr. Tidaback?

20 A Yes.

21 Q Did Mr. Tidaback ever express to you  
22 about how you were performing in your job?

1           A       First he said I was doing pretty good.  
2       That he had plans for a good future with me.   That  
3       seemed to change pretty quick.

4           Q       Okay.   Tell us what happened.   Why did  
5       it change?

6           A       I'm guessing just because the plant  
7       wasn't running very much while I was there, due to  
8       all of the MSHA stuff, and then the MSHA  
9       inspections.   I think while I was there there was  
10      about 200 citations that he had written up that  
11      day.

12          Q       The MSHA inspector had written?

13          A       Yeah.

14          Q       Okay.   And describe some of the  
15      equipment you were assigned to maintain.

16          A       Most of the time while I was there  
17      working on the bag house, air compressor, the rock  
18      crusher, tumbler.   Several other things.   There  
19      was multiple bag houses that we worked on while I  
20      was there.

21          Q       And were people submitting maintenance  
22      requests to you?

1           A       Wasn't really a request. It was just  
2       kind of a to-do list that John would come up with  
3       and give us when we got there in the morning of  
4       what he wanted us to do that day.

5           Q       Did you ever need any parts to repair a  
6       piece of equipment?

7           A       Yeah. There was several times we needed  
8       parts, such as welding rod. There was a time we  
9       needed compression fitting for some of the gas  
10      lines for the furnace that they had.

11          Q       And what was the process to obtain those  
12      parts?

13          A       I would let job Spears know what I  
14      needed. He'd normally want an idea of how much it  
15      was going to cost just to give him an idea. Then  
16      he'd go through Russell to see if we can get it or  
17      not.

18          Q       Were your requests for parts always  
19      approved?

20          A       Not always. I know I didn't get the  
21      compression fittings and then when I asked for a  
22      welding rod, ended up getting some but it wasn't

1 the type that I needed.

2 Q Were you ever given an explanation for  
3 why you are weren't getting the parts that you  
4 requested?

5 A Most of it came from John Spears and he  
6 said it was just too expensive. Something they  
7 couldn't do right now.

8 Q Do you recall a time you requested new  
9 filters for the bag house?

10 A Yes.

11 Q What does the bag house do?

12 A Bag house, kind of like a ventilation  
13 system. The dust goes in and supposed to separate  
14 the dust from the clean air, but the clean air,  
15 instead of pushing out a whole bunch of dust.  
16 When them filters go bad, instead of separating  
17 the air and dust, it just pushes out the dust with  
18 the air straight out of the stack.

19 Q And why were you recommending new  
20 filters?

21 A The ones they would were plumb full of  
22 tripoli and old and brittle. A lot of them had

1     rips in. I think we counted 36 of them.

2                 JUDGE MORAN: 36 what?

3                 THE WITNESS: Filter bags that came out  
4     of the bag house.

5                 JUDGE MORAN: Thirty-six filter bags  
6     with rips?

7                 THE WITNESS: Yeah.

8                 BY MS. O'REILLY:

9                 Q     And were those new filters ordered based  
10     on your recommendation?

11                A     No, he had a stockpile of old filters  
12     that they had pulled out and replaced beforehand.  
13     He had us sort through them to put back in the  
14     place of the ripped ones, but they were just as  
15     rough as condition because they had been sitting  
16     in the garage for who knows how long.

17                Q     And were you told why the new filters  
18     weren't ordered?

19                A     Just too much. I guess they had it  
20     quoted. It was quite a bit of money for new bags  
21     for all of the bag houses, so.

22                Q     And then I think you mentioned that the

1 mill was shut down during your employment. How  
2 many days of the three months that you worked  
3 there was the mill shut down?

4 A Quite awhile on first shift. Most of  
5 the time I was there.

6 Q And explain that to me. The mill is  
7 being shut down. Were these shutdowns related to  
8 equipment being not operational, or you mentioned  
9 something about the police earlier?

10 A There was multiple reasons. On day  
11 shift they didn't want to run for -- one, the  
12 local police weren't happy with the dust. And  
13 then there was also an MSHA inspector that wanted  
14 to watch the plant run so we were running night  
15 shift instead.

16 Q So is your testimony that the police had  
17 asked you guys not to run because of the dust, and  
18 there was an MSHA inspector that wanted to observe  
19 the mill running?

20 A Yeah.

21 Q And so you're saying that the mill did  
22 not run during the day. Correct?



1           A     Yes.

2           Q     But is your testimony that the mill  
3 would run at night?

4           A     Yes.

5           Q     Did you work with Mr. Baumann on a daily  
6 basis?

7           A     Quite a bit, yeah.

8           Q     Describe some of the interactions you  
9 had with Mr. Baumann at work.

10          A     Pretty good. He was one of the most  
11 helpful people I worked with while I was there,  
12 because he was there quite a bit longer than I  
13 was, so he helped me find some of the stuff I  
14 needed in the mill that I might not have known  
15 where it was, or if I needed a hand with, he was  
16 willing to jump in and help me where he could, so.

17          Q     Did Mr. Baumann have a good attitude?

18          A     I thought so. He was always about 30  
19 minutes to an hour early. So he come in and kind  
20 of talked to us about how our day went and always  
21 seemed to be pretty helpful.

22          Q     Did Mr. Baumann care about safety?

1           A       Yeah. He was one of the more concerned  
2 about our safety while we were working there.  
3 Kind of told us some of the hazards we would be  
4 messing with, and he worked quite a bit with the  
5 safety guy, Terry Newburn, while I was working  
6 there.

7           Q       Was Mr. Baumann a good leader?

8           A       I thought so, yes. Mostly people on day  
9 shift thought the same as I did, and the guy  
10 working with him, R.J., I feel like he kind of  
11 looked up to Rob because they were always working  
12 together, so.

13          Q       Were you aware of any production demands  
14 or quotas that were supposed to be met each day?

15          A       Yeah. Russell had mentioned several  
16 times that the plant was capable of running a  
17 hundred thousand pound of product, but I think  
18 when I was working there it was lucky to push out  
19 about 15,000, if that.

20          Q       Fifteen thousand pounds?

21          A       That was if they ran it consistently.

22                 JUDGE MORAN: Over what period of time?

1 You said Mr. Tidaback said a hundred thousand  
2 pounds. Over what? You mean over a shift?

3 THE WITNESS: I think that was for a  
4 full day if the plant was in good shape it should  
5 have ran.

6 JUDGE MORAN: When you reference, what  
7 was it, eight or five, 15 was a good day. What  
8 was that?

9 THE WITNESS: I think 15 is about what  
10 we were putting out on second shift, I think.

11 JUDGE MORAN: Fifteen thousand pounds on  
12 a shift?

13 THE WITNESS: Yeah.

14 JUDGE MORAN: Okay.

15 BY MS. O'REILLY:

16 Q Do you know why you were only able --  
17 that this shift that you were involved in was only  
18 able to reach the 15,000 pounds?

19 A There were a lot of reasons why. Such  
20 as holes in the augers, holes in the bearings. A  
21 lot of their product was going on the floor. Like  
22 in the very lower floor there's several spots

1 where the tripoli would just pile up at the  
2 machine is running. By end of shift you'd have  
3 probably a couple hundred pounds worth of tripoli  
4 sitting on the floor. And half the equipment,  
5 when I started there, wasn't even working. A lot  
6 of it was just locked out, not running since I  
7 started.

8 Q Did you ever tell Mr. Tidaback that Rob  
9 would get mad at everything?

10 A No.

11 Q Did you ever tell Mr. Tidaback that Rob  
12 was hard to work with?

13 A No.

14 Q Did you ever tell Mr. Spears any of  
15 those things about Mr. Baumann, that Mr. Baumann  
16 was mad at everything or hard to work with?

17 A No.

18 Q Did you ever complain to Mr. Tidaback or  
19 Mr. Spears about Mr. Baumann's attitude?

20 A No.

21 Q Did you ever have any problems with Mr.  
22 Baumann?

1 A No.

2 Q How would you describe the safety  
3 culture at American Tripoli?

4 A Kind of nonexistent, for the most part.  
5 Kind of just look out for yourself.

6 Q How would you describe Mr. Tidaback's  
7 attitude toward safety?

8 A He had a pretty good attitude towards  
9 anything that came up with that we needed to fix,  
10 such as rails and guard down off equipment, he was  
11 always pretty apt to help us find them and get  
12 them put on.

13 Q That was Mr. Tidaback?

14 A Mr. Baumann, my bad.

15 Q I'm sorry.

16 JUDGE MORAN: Let's make sure the record  
17 is clear on that.

18 BY MS. O'REILLY:

19 Q So I'm going to ask you the question  
20 again.

21 A Sorry about that.

22 Q That's okay. So your answer of pretty

1 good about it and if there were guards down he  
2 would help you get those back on, is that how you  
3 would describe Mr. Baumann's attitude towards  
4 safety?

5 A Yes.

6 Q And now I'm going to ask you a different  
7 question. How would you describe Mr. Tidaback's  
8 attitude towards safety?

9 A I think it was kind of irrelevant for  
10 him until the MSHA came around and started issuing  
11 citations. That's when we started focusing more  
12 on guards and covers for the augers.

13 Q And on the equipment, were there guards  
14 on the points where mill associates could come in  
15 contact with moving parts?

16 A No.

17 Q Did Mr. Spears know that there were no  
18 guards in these areas?

19 A Yeah. They got pulled off quite a bit  
20 because the augers were pretty rough, so they  
21 clogged up quite often, so them guards would be  
22 removed pretty frequently. They should be bolted

1 down, but they just had kind of pipe clamps  
2 holding on them there. That way they're easy to  
3 get on and off.

4 Q Did Mr. Spears ever direct the employees  
5 to take the guards off to perform this un-jamming?

6 A I don't know if it was directed by him  
7 or not, but it was just kind of a daily practice  
8 to keep the plant running.

9 Q Did Mr. Spears know that was the daily  
10 practice?

11 A Yeah. He was out there quite a bit when  
12 it was happening.

13 Q Did Mr. Spears ever direct the mill  
14 associates to put those guards back on?

15 A Once we got the MSHA inspection, that's  
16 when we started putting the guards back on.

17 Q Were there ever any safety meetings at  
18 American Tripoli?

19 A If you counted the new miner safety,  
20 that was about it.

21 Q What personal protective equipment were  
22 employees required to wear in the mill?

1           A       I don't think there was really any -- I  
2       mean, I wore my steel toed boots, just kind of  
3       common practice, and then a mask, but they were  
4       these disposable masks and John Spears wanted us  
5       to make one last a week. If you get tripoli  
6       packed in that thing for a week they're kind of  
7       hard to use.

8           Q       And you're talking about face masks for  
9       dust?

10          A       Yes.

11          Q       And do you know what kind of face mask  
12       this was?

13          A       I'm not sure on the specific type, but  
14       just kind of like a carpenters mask almost. Just  
15       like a N95, if that.

16          Q       And you said that Mr. Spears asked the  
17       mill associates to wear those masks for a week.  
18       Is that correct?

19          A       Yeah. He said we were going through too  
20       many of them.

21          Q       Were you ever concerned about your  
22       safety at the mill?



1           A     Quite a bit. Especially like working on  
2     that bag house, we were doing some air diaphragms  
3     on that, and we would to do it from the roof of  
4     the building because it's on the back side of the  
5     bag house, so you have to stand on the roof and  
6     all the safety harnesses they had there were  
7     expired.

8           Q     Did you still perform that task?

9           A     Yes.

10          Q     Besides that instance, were you ever  
11     asked to perform a task you believed to be unsafe?

12          A     Yes.

13          Q     Can you give us another example?

14          A     There's quite a few, but I'd say working  
15     in that, the bottom of that bag house. I had a  
16     lock put on it and it ended up being cut off by  
17     Don Spears because he said he thought I went home  
18     for the day, while I was inside the bag house and  
19     turned the auger back on while I was trying to cut  
20     one of the filter tubes we were talking about  
21     previously had fallen off. And when it did, it  
22     got wrapped around the auger, and so I went in

1     there to get it out with a grinder. That way the  
2     auger would un-jam.

3           Q     Okay. So let's break it down a little.  
4     You were performing maintenance inside the bag  
5     house on an auger. Correct?

6           A     Yes.

7           Q     And you applied a lock to the energizing  
8     source of that equipment?

9           A     Yes. There was a disconnect on the  
10    outside of that.

11          Q     And you climbed inside where the auger  
12    was located?

13          A     Yes.

14          Q     And you were performing work in there?

15          A     Yes.

16          Q     And then while you're performing work  
17    did something indicate to that your lock had been  
18    cut off?

19          A     Yeah. The auger started moving.

20          Q     So you were inside the bag house  
21    performing this maintenance and the auger started  
22    moving?

1           A       Yeah.

2           Q       And then what did you do?

3           A       Grabbed my stuff and climbed back out of  
4       the auger.

5           Q       Okay. And is that when you noticed that  
6       your lock had been cut off?

7           A       Yeah.

8           Q       And did you ask?

9           A       Yeah. I asked John Spears, and that's  
10       when he told me that he thought I had just went  
11       home for the day and forgot my lock on it.

12          Q       Did you ever complain to Mr. Spears  
13       about your safety at the mill?

14          A       Quite a few times.

15          Q       Did you ever complain to Mr. Tidaback  
16       about the safety at the mill?

17          A       Yes. It was in Teams, because he had  
18       fired the safety guy for bringing up safety. She  
19       -- to him on Teams. And so I brought it up that  
20       the mill should still probably have a safety guy,  
21       even though he fired the one we did have, and  
22       that's when he said John Spears would be taking

1 over the safety.

2 Q And when you say that the safety guy was  
3 fired, can you tell us who you're speaking about?

4 A Terry Newburn.

5 Q Do you know whether Mr. Baumann ever  
6 complained to Mr. Spears about his safety concerns  
7 at the mill?

8 A Yeah. Quite a bit. Him and Terry  
9 Newburn were working together with quite a few of  
10 the safety issues they were having on second  
11 shift.

12 Q And how are aware that he raised those  
13 issues to Mr. Spears?

14 A I was in multiple Microsoft Teams group  
15 chats.

16 Q And you saw those messages?

17 A Yeah.

18 Q Do you recall any inspections by the  
19 Mine Safety and Health Administration, MSHA, while  
20 you were employed at American Tripoli?

21 A Yeah. I think his name was Van Horn.  
22 Van Dorn. Worked with him on the safety

1 inspection he did of the plant.

2 Q And were you involved in that  
3 inspection?

4 A Yes.

5 Q What did you do?

6 A I helped point out some of the issues  
7 that we were having at the plant, and after that,  
8 I went through and started fixing them for  
9 Russell.

10 Q And did Mr. Spears see you walk around  
11 with that inspector?

12 A I'm sure he did.

13 Q Did Mr. Spears ever give you any  
14 instruction about what to do when MSHA arrived?

15 A He didn't really want us talking to him.  
16 He said he could handle it all.

17 Q And in performing your job in  
18 maintenance, were you ever told by Mr. Spears or  
19 Mr. Tidaback to be sure to comply with the MSHA  
20 standards?

21 A Not really. We kind of didn't really  
22 talk to him much about MSHA until we had our new

1 miners.

2 Q Did Mr. Tidaback ever express to you his  
3 opinion of MSHA?

4 A Not really. Mostly Mr. Tidaback's  
5 conversations were maintenance related, for the  
6 most part.

7 Q Did you receive the necessary tools,  
8 equipment and training to comply with the MSHA  
9 standards?

10 A There weren't really many tools out  
11 there to work with, but I'd say it probably wasn't  
12 up to MSHA standards, some of the stuff we had to  
13 do, because while I worked there the man lift was  
14 down. So anytime we had to get somewhere high up  
15 you kind of had to climb.

16 Q In your opinion, did Mr. Baumann try to  
17 make the mill a safer place to work?

18 A I believe so.

19 Q Can you give an example of what he did  
20 to do that?

21 A Yeah. He worked with us quite a bit,  
22 because he let us shut down the line one night

1 doing an auger. Somebody had spray foam and put a  
2 piece of tin over the bottom of the auger belly,  
3 and when the hangers went out, the auger actually  
4 breached through that tin so it was kind of hang  
5 through the auger belly. So he let us keep it  
6 down while we ended up welding on a new auger  
7 belly to the bottom of it.

8 Q Did you have any concerns about Mr.  
9 Baumann's job performance with regard to complying  
10 with MSHA standards?

11 A No.

12 Q Did you have any concerns with Mr.  
13 Baumann's job performance with regard to safety at  
14 the mine?

15 A No.

16 Q Did Mr. Spears and Mr. Tidaback know  
17 that you participated in MSHA inspection?

18 A I'm not sure on that.

19 Q Okay. You mentioned some other  
20 enforcement agencies had come to the mill, like  
21 the police. Did any other enforcement agencies  
22 come to the mill?

1           A     I think it was just the cops and then  
2     MSHA themselves that inspected that I talked to,  
3     but.

4           Q     In interacting with the MSHA inspectors,  
5     did those inspectors act professionally?

6           A     I thought so. Van Horn was pretty  
7     easygoing, worked with us quite a bit with some of  
8     the citations we had.

9           Q     Did the inspector ever yell at you?

10          A     No.

11          Q     Did he ever threaten you?

12          A     No.

13          Q     Were you scared of the MSHA inspectors?

14          A     No.

15          Q     Do you know if any of the mill -- did  
16     any of the mill associates express to you that  
17     they were scared of the MSHA inspectors?

18          A     No.

19          Q     And then, Mr. Allman, you were  
20     terminated from your job at American Tripoli.  
21     Correct?

22          A     Yes, ma'am.



1 Q Can you describe that?

2 A I was on my way home from work. Oh,  
3 sorry. And I had got a notification that there's  
4 a message in Teams, so I went to check it. When I  
5 went to sign back in to Teams, because me and  
6 Russell had been messaging back and forth on  
7 there. Went to check it again and it wouldn't let  
8 me sign into it, and then that's when I contacted  
9 Russell about it not letting me sign in to Teams,  
10 and then the next morning I had gotten a message  
11 from him saying I was terminated.

12 Q How many days after you walked around  
13 with the MSHA inspector were you are terminated?

14 A Probably a day or two. It wasn't very  
15 long afterwards.

16 Q Did Mr. Newburn walk around with that  
17 MSHA inspector as well?

18 A Yes.

19 Q And was he terminated as well?

20 A Yes.

21 Q Did you receive a termination letter  
22 outlining the reasons you were being terminated?

1           A       I asked him why, but he never did tell  
2 me why. Only thing he said was that it was for  
3 leaving my shift even though I had already worked  
4 14 hours that day, so.

5           Q       Did you speak to an MSHA inspector after  
6 you were fired?

7           A       Yes.

8           Q       And can you tell us what you said?

9           A       It was a pretty quick conversation. I  
10 had talked to him, I think it was a Monday after I  
11 was terminated. I went back to grab some of my  
12 stuff. I had already got my stuff and I was on my  
13 way out of the office building, and he was walking  
14 in, so I stopped and talked to him for a minute.  
15 And kind of talking to him about how things were  
16 going, and then a cop pulled up. Russell had  
17 called the cops on me and said I was trespassing  
18 because I came to get my stuff back.

19          Q       Is it your opinion that you were  
20 terminated for participating in the MSHA  
21 inspection?

22          A       I would say there's a good chance of it.

1           Q     Mr. Tidaback testified in his deposition  
2     that you were let go because you were verbally  
3     abusive and disrespectful to John Spears. Were  
4     you ever verbally abusive and disrespectful to  
5     John Spears?

6           A     I would say no. Me and John worked  
7     quite a bit together. Didn't always see eye to  
8     eye on some of our projects, but I wouldn't say I  
9     was verbally abusive to him or anybody else at the  
10    mill.

11               JUDGE MORAN: Or disrespectful?

12           THE WITNESS: I try not to be any chance  
13    I get, but sometimes.

14               BY MS. O'REILLY:

15           Q     Mr. Tidaback testified in his deposition  
16     that you were verbally abusive and disrespectful  
17     to Mr. Baumann. Were you ever verbally abusive  
18     and disrespectful to Mr. Baumann?

19           A     No. Me and Rob, I would say we had a  
20     pretty good work relationship while I worked  
21     there. He was pretty easygoing. Like I say, he  
22     always helped me out, so I don't really have any

1 reason to go against him or anything said.

2 MS. O'REILLY: I have no further  
3 questions for this witness.

4 JUDGE MORAN: Okay. So we're going to  
5 have to take a lunch, unless you tell me that your  
6 cross examination, I'm not suggesting that it  
7 should be, but unless you tell me that your cross  
8 examination won't take more than, say, ten  
9 minutes.

10 MR. TIDABACK: I can limit it to ten  
11 minutes, Your Honor.

12 JUDGE MORAN: What's that?

13 MR. TIDABACK: I can limit it to ten  
14 minutes, Your Honor.

15 JUDGE MORAN: I don't want you to limit  
16 it if you feel it limits your ability to cross  
17 exam. I'm not putting you in a position like  
18 that.

19 MR. TIDABACK: I respect that. I don't  
20 think so, but I can -- I will limit it to ten  
21 minutes.

22 JUDGE MORAN: Okay. But that's

1 voluntarily.

2 MR. TIDABACK: That is correct, sir.

3 JUDGE MORAN: What we're going to do is  
4 we're going to hang in here for ten more minutes,  
5 and then we're going to take an hour for lunch.  
6 All right? Go ahead. My court reporter hanging  
7 in there?

8 COURT REPORTER: Yes, I am.

9 JUDGE MORAN: Okay. Lunch will be soon.  
10 Go ahead, Mr. Tidaback.

11 CROSS-EXAMINATION

12 BY MR. TIDABACK:

13 Q How many days were you employed at  
14 American Tripoli?

15 A It was from September 15th to November  
16 20th, I think, around that time.

17 Q So roughly 60 days?

18 A Yeah, just about probably.

19 Q And so can you describe your  
20 understanding and expectations set for your role  
21 as a maintenance technician during your time  
22 there?

1           A       When I started I was told that kind of  
2       the goal was to get the plant back up and running.  
3       It was -- because it was kind of down on its luck,  
4       I guess you could say. And so whenever I talked  
5       to Mr. Tidaback he told me his goal for the plant  
6       was to start putting money into it and getting it  
7       repaired the way it should be.

8           Q       Okay. You received a letter of  
9       reprimand on 13 October addressing specific areas  
10      of concern regarding your performance.

11           MS. O'REILLY: We're going to object to  
12      this. It's outside the scope of direct and it  
13      also lacks foundation.

14           JUDGE MORAN: Well, it's certainly  
15      proper for him to ask questions about this. I  
16      mean, we have had that lacking with Mr. Baumann,  
17      for example, so I'm not about to stop Mr. Tidaback  
18      from asking about this. Did you ever receive a  
19      letter of reprimand from American Tripoli?

20           THE WITNESS: I do not believe so.  
21      Probably wouldn't have been working there any  
22      longer if I did.

1 BY MR. TIDABACK:

2 Q Okay.

3 JUDGE MORAN: Okay. So wasn't your  
4 question if he received a letter of reprimand?

5 MR. TIDABACK: Yes.

6 JUDGE MORAN: Your testimony is you did  
7 not ever receive --

8 THE WITNESS: I do not believe so.

9 JUDGE MORAN: We don't want to confine  
10 ourselves to the word reprimand. Did you ever  
11 receive a letter from American Tripoli that in my  
12 manner had problems with the work you were doing?

13 THE WITNESS: I do not believe so, no.

14 JUDGE MORAN: Well, do you recall  
15 getting any kind of letter from American Tripoli  
16 about your work performance, critical or not, when  
17 you were working there?

18 THE WITNESS: No. I think the only  
19 letter I got from American Tripoli was the sign on  
20 letter.

21 JUDGE MORAN: The sign on letter. When  
22 you were hired?

1 THE WITNESS: Yes.

2 JUDGE MORAN: All right. Go ahead, Mr.  
3 Tidaback.

4 BY MR. TIDABACK:

5 Q And then on the day of your departure on  
6 November 4th, you left the work site without  
7 informing your supervisor or securing your  
8 workplace, which was a hazard to other miners.  
9 Can you --

10 JUDGE MORAN: You just --

11 MR. TIDABACK: Did I add too much?

12 JUDGE MORAN: You testified. You're  
13 saying on his day of departure?

14 MR. TIDABACK: That's correct. On his  
15 day that he was terminated, when he left the  
16 workplace without informing your supervisor.

17 JUDGE MORAN: See, that would be the  
18 question. Did you leave the workplace without  
19 informing your supervisor on the last day you  
20 worked?

21 THE WITNESS: No, John Spears had known  
22 I was leaving. What happened is one of employees



1     there, Jim Huber, had taken apart a piece of  
2     equipment after maintenance had already left, and  
3     he was unable to put it back together by himself  
4     and that's when Russell tried to call me to come  
5     back in.

6                     BY MR. TIDABACK:

7             Q     Okay.  So --

8                     JUDGE MORAN:  After he was terminated  
9     you called him to come back in?

10                    MR. TIDABACK:  No.  That's the whole  
11     point.

12                    BY MR. TIDABACK:

13             Q     Did you leave the workplace without  
14     advising your supervisor?

15             A     No.  John Spears knew I was leaving.

16                    JUDGE MORAN:  Okay.  So you covered  
17     that.  Go on to something else.

18                    MR. TIDABACK:  Yes, Your Honor.

19                    BY MR. TIDABACK:

20             Q     You use Teams to communicate.  Right?

21             A     Yes.

22             Q     You mentioned requesting locks.  Did you

1 ever put in Teams that you were requesting locks?

2 A I told John Spears that I needed locks.  
3 He said he would get them for me. A couple days  
4 had went by and I still hadn't got them, so I  
5 supplied my own from home from another job I was  
6 before that.

7 Q And then you mentioned filters. Do you  
8 know of the maintenance schedule for change outs?

9 A Not the exact one, no.

10 Q Okay. All right. When you mentioned  
11 augers or the guarding for the augers, who removed  
12 --

13 A Production people. Just depending on  
14 who was working that side of the mill that day.  
15 Most of the time it was Jim Huber that I'd see  
16 trying to unclog the equipment.

17 Q Okay. And then who was in charge of the  
18 mill people?

19 A John Spears.

20 Q And then was Mr. Baumann ever in charge  
21 of the mill people?

22 A Oh, you mean for like second shift

1 safety? I wasn't aware of that.

2 Q Either one?

3 A They would report directly to Robert, I  
4 believe, and then Robert would report to John  
5 Spears himself.

6 Q Okay. So that we understand, the mill  
7 associates removed the augers or the guarding and  
8 didn't -- somebody would have had to direct them  
9 to do that correctly.

10 A There was several places to where it  
11 couldn't even have been a production worker  
12 themselves because there's -- like on the bottom  
13 of the bag house there's probably a four inch by  
14 four inch hole cut into the side of the metal  
15 auger housing. That way they could stick stuff is  
16 there to unclog, it and I don't see a member of  
17 the mill, production side cutting a hole in the  
18 side of a bag house like that.

19 Q I'm not sure I understand that.

20 JUDGE MORAN: You just have to ask  
21 another question.

22

1 BY MR. TIDABACK:

2 Q Correct. Okay. Did you communicated  
3 the incident with that auger in Teams?

4 A Yes. Actually, I think me and you  
5 actually spoke about it together on Teams after,  
6 because it was one of the things brought up by  
7 MSHA were the citations. Right at the bottom of  
8 the bag house where the auger feeds out, there's  
9 -- what I believe to be a pump that pumps the dust  
10 out of it, and right before it goes into that pump  
11 there's a four by four hole cut into the side of  
12 it. There's pictures posted on Teams. I believe  
13 I still have the pictures myself, too. Ended up  
14 welding a cover over the front of it.

15 Q Okay. So did you report that to the  
16 safety manager?

17 A Yes. And I reported it to you.

18 Q Okay. So who was the safety manager at  
19 the time?

20 A At that time I believe it was Terry  
21 Newburn.

22 Q Okay. And your relationship with Terry

1 Newburn is?

2 A My brother-in-law, yes.

3 Q So Mr. Newburn. Did you ever deal with  
4 Inspector Linkliter or Inspector Markeson?

5 A Not for sure. I think it was Van Dorn  
6 who I dealt with.

7 Q Inspector Van Dorn?

8 A Van Dorn.

9 Q All right. And then the last question.  
10 Were you prepped for this interview, the  
11 deposition?

12 A No. I was just told a date and a time.  
13 MR. TIDABACK: Okay. That's it, Your  
14 Honor.

15 JUDGE MORAN: Okay. Do you have any  
16 questions?

17 MS. O'REILLY: We have no further  
18 questions for this witness.

19 JUDGE MORAN: Okay. Mr. Allman, I  
20 appreciate your testimony, sir, I wish you well.

21 THE WITNESS: I appreciate it.

22 JUDGE MORAN: And you're going to give

1 him the subpoena?

2 MS. O'REILLY: We're going to give the  
3 paperwork for appearing based on the subpoena.  
4 Yes.

5 JUDGE MORAN: Good luck. All right,  
6 folks, we're going to break. So it's 1:24. Let's  
7 start at 2:30. Any questions? It looked like you  
8 had a question there, Mr. Baumann.

9 MS. O'REILLY: I'm going to tell him not  
10 to talk to anyone about this trial.

11 JUDGE MORAN: Please, until you hear  
12 word from the Department of Labor attorneys that  
13 you may speak with anyone about this, do not until  
14 you hear that. Thank you, sir.

15 MS. O'REILLY: Trial, Mr. Baumann, thank  
16 you.

17 JUDGE MORAN: We're going to now go off  
18 the record. Thank you. We'll see you, Madam  
19 Court Reporter, at 2:30.

20 COURT REPORTER: Okay. Sounds good.

21 (Recess)

22 JUDGE MORAN: We're on the record. So

1 now, Attorney Smith, you have just informed me off  
2 the record that the next witness will be, and I'll  
3 write it down again, I'm sorry.

4 MS. SMITH: Ms. Kensley Brewer.

5 JUDGE MORAN: Okay. And I'm sure this  
6 is true, but I want this on the record. You  
7 identified Ms. Kensley Brewer as one of the  
8 witnesses the government intended to call.

9 MS. SMITH: Yes. On Friday when we made  
10 our updated disclosure identifying the miner  
11 witnesses her name appeared.

12 JUDGE MORAN: As a miner witness.  
13 That's why. Okay. And so now before we begin  
14 this afternoon's session just minutes ago, Mr.  
15 Tidaback says he has an objection to this witness'  
16 testimony. Go ahead, sir.

17 MR. TIDABACK: Yes. Your Honor, I  
18 object that she is not -- get my microphone on.  
19 Mrs. Kensley is not a manager or in a role of a  
20 manager that would be in the decisionmaking  
21 process or Mr. Baumann's termination.

22 JUDGE MORAN: Okay. And so would you

1     respond to that objection?

2                   MS. SMITH:   Yes.   Ms. Brewer's testimony  
3     is here to discuss the working relationship that  
4     she had with Mr. Baumann, the observations she  
5     made while she was an employee of American  
6     Tripoli, and regarding some of the defenses that  
7     the Respondent has raised as far as Mr. Baumann's  
8     work performance and conduct.   Also, and we can  
9     raise this, she was one of the individuals  
10    interviewed that provided an interview statement  
11    for the investigation of this complaint.

12                  JUDGE MORAN:   Okay.   So having heard  
13    from both sides, it's entirely appropriate that  
14    Ms. Brewer be able to testify in this proceeding  
15    despite your objection.   I would note that your  
16    objection, while I'm overruling that, rejecting  
17    that, the prior two witnesses would have met that  
18    objection as well, but you didn't raise that for  
19    those individuals.

20                  MR. TIDABACK:   I wanted to.   Just  
21    catching up on everything else, it slipped my  
22    mind, Your Honor.   So I wanted to make sure it



1 just didn't keep going on.

2 JUDGE MORAN: Sure. And I wouldn't say  
3 I encourage you, but I welcome any objections that  
4 you have, you should make them, and then I will  
5 rule upon them as I just did. So I don't want you  
6 to feel intimidated from making objections in the  
7 future to anything that's going on.

8 MR. TIDABACK: Your Honor, I do, and  
9 that's why I'm trying to listen 100 percent what  
10 your directions are, and so I'm learning.

11 JUDGE MORAN: All right. Thank you. So  
12 Ms. Brewer, would you stand, please. I'm Judge  
13 Moran, nice to meet you. Would you raise your  
14 right hand, please. Are we good, Mr. Holt? Okay.  
15 Whereupon,

16 KENSLEY BREWER  
17 was called as a witness and, having been first  
18 duly sworn, was examined and testified as follows:

19 JUDGE MORAN: I will need you to be  
20 seated, be comfortable, state your name and spell  
21 it, but if your response is indicative of the way  
22 you're going to speak, that's not going to be good

1 enough. I need you to speak up, and Mr. Holt has  
2 pointed out that you see this black microphone in  
3 front of you?

4 THE WITNESS: Yes.

5 JUDGE MORAN: Okay. You want to get  
6 closer to that since you're soft spoken, and do  
7 you have on the other microphone?

8 THE WITNESS: Yes.

9 JUDGE MORAN: And Court Reporter, can  
10 you hear Ms. Brewer?

11 COURT REPORTER: Yes, I can.

12 JUDGE MORAN: Okay. Great. So you'll  
13 speak up if there's any issue?

14 COURT REPORTER: Yes, I will.

15 JUDGE MORAN: Thank you. Okay.

16 Attorney Smith, proceed.

17 MS. SMITH: One housekeeping matter for  
18 you, Your Honor. In your pretrial order it didn't  
19 address this issue. As I mentioned, Ms. Brewer  
20 gave a statement as part of this investigation,  
21 and we have a copy of the un-redacted statement  
22 that typically in other cases, after we have a

1 witness testify that was involved in the  
2 investigation, we would turn over a copy of the  
3 un-redacted statement to the Respondent after  
4 their testimony. Is that how you'd like us to  
5 proceed today?

6 JUDGE MORAN: Yes.

7 MS. SMITH: We're prepared to do that.

8 DIRECT EXAMINATION

9 BY MS. SMITH:

10 Q And, Ms. Brewer, can you state and spell  
11 your name for the record.

12 A Kensley, K-e-n-s-l-e-y B-r-e-w-e-r.

13 MS. SMITH: And then, Your Honor, we  
14 will also ask for the same protective order  
15 limiting any question of Ms. Brewer's current  
16 employer or her home address.

17 JUDGE MORAN: That is granted and is to  
18 be observed.

19 BY MS. SMITH:

20 Q And Ms. Brewer --

21 JUDGE MORAN: Mr. Tidaback has a  
22 question.

1                   MR. TIDABACK: I don't know what that's  
2 for. I mean, I understand your order, but I don't  
3 know. I assume it's just normal procedures?

4                   JUDGE MORAN: Well, I mean, it's  
5 self-explanatory. Protective, meaning that not  
6 saying that anyone would do that.

7                   MR. TIDABACK: That's what I'm asking.

8                   JUDGE MORAN: There's no suggestion that  
9 you would proceed to harass or otherwise bother  
10 any of the witnesses, but it also adds some  
11 gravitas to the seriousness. When I agree and say  
12 that the order of the protective order is granted,  
13 it underscores, puts in bold print the secretary's  
14 request.

15                  MR. TIDABACK: An assumption by the  
16 secretary that we would do that?

17                  JUDGE MORAN: No. When one makes a  
18 protective, like many protective actions, this  
19 doesn't necessarily have to be an implication that  
20 someone would behave improperly. It's  
21 prophylactic.

22                  MR. TIDABACK: Okay. Thank you, Your

1 Honor.

2 BY MS. SMITH:

3 Q Ms. Brewer, how are you familiar with  
4 American Tripoli in Seneca, Missouri?

5 A It's a previous employer.

6 Q And what month and year did you work  
7 there?

8 A December of '22 into January of '23.

9 Q And what was your position at American  
10 Tripoli?

11 A So originally I had applied for a safety  
12 position, and then I was offered a production  
13 coordinator job, and then I ended up being like a  
14 secretary and I did, like I did the production  
15 part. Did inventory and shipping and receiving a  
16 lot of the times, or helped with that.

17 Q So your job duties included shipping and  
18 receiving?

19 A Uh-huh.

20 Q And what other job duties did you have?

21 A I did a lot of secretary work as well.  
22 I dealt with, you know, the paperwork for the

1 shipments that were going out and the products  
2 that were going out. I put seals on, you know,  
3 the semis. It was -- that part was pretty  
4 straightforward. I also, when I did like retail  
5 orders, I would have to be in the lab, and you  
6 know, weigh out everything and get it all prepared  
7 and packaged and then take it to the post office  
8 and ship it off.

9 Q And when you worked in the lab, was that  
10 in the mill?

11 A Yes.

12 Q And as part of your administrative  
13 secretarial job duties, were you ever involved  
14 with handling the mail?

15 A Yes.

16 Q When mail came in did you -- what was  
17 the particular procedures did you follow to kind  
18 of handle the process that mail?

19 A Typically we would scan it and e-mail it  
20 over to Jordan Tidaback, and then sometimes there  
21 would be some mail that would go to John Spears,  
22 too.

1 Q And who was your supervisor?

2 A John Spears.

3 MR. TIDABACK: Your Honor, I object  
4 related to Mr. Baumann's termination.

5 JUDGE MORAN: Well, we're going to find  
6 that out. The questioning has just begun in terms  
7 of her background, and I assume there will be some  
8 testimony that is related to Mr. Baumann's  
9 termination. If there's no testimony or at all in  
10 that, then you can ask that, perhaps, I'll  
11 consider to be, have the testimony stricken as  
12 being irrelevant or immaterial. Okay? So you  
13 have to give a little more time for the secretary  
14 to lay the foundation if it will -- if it were.

15 MR. TIDABACK: Okay. Yes, sir.

16 JUDGE MORAN: As it were.

17 BY MS. SMITH:

18 Q How long had you worked at American  
19 Tripoli before you got the new miner trainer?

20 A Probably month, month and a half.

21 Q In your job did you work with Mr. Robert  
22 Baumann on a daily basis?

1           A       Yes.

2           Q       And based on your work with him daily,  
3 what was your opinion of Mr. Rob Baumann's work?

4           A       He was always really dedicated to his  
5 job and wanted everything to go right and be safe.

6           Q       Did he do the work that was asked of  
7 him?

8           A       So, yes, he did. But sometimes things  
9 would be unsafe, and he would come and report to  
10 John in the administration building that I was in,  
11 and you know, he would tell John, you know, more  
12 than one time, and then finally, you know, he  
13 would have to stand up for what was right as far  
14 as safety went. And he was just always trying to  
15 make sure that everything was as safe as possible,  
16 even though a lot of the times was being told to  
17 do otherwise.

18                   JUDGE MORAN: When you say John, are you  
19 referring to John Spears?

20                   THE WITNESS: Yes, Your Honor.

21                   JUDGE MORAN: If there's ever any other  
22 person named John, please distinguish that. I



1 will assume from here on out when you say John,  
2 you mean Mr. Spears.

3 THE WITNESS: Yes.

4 JUDGE MORAN: Thank you.

5 BY MS. SMITH:

6 Q And you mentioned that you had maybe  
7 heard a conversation between Mr. Baumann and John  
8 Spears in the admin building. Did you primarily  
9 work in the admin building?

10 A Yes.

11 Q And I don't think we've maybe discussed  
12 that here during the trial, but just giving us a  
13 picture. We've talked a lot about the mill over  
14 the last two days. Where was the admin building  
15 in relation to the mill?

16 A Just across the sidewalk, on the same  
17 side of the street.

18 Q Okay. And your job, you primarily  
19 worked in the admin building?

20 A Yes.

21 Q And occasionally you worked in the mill  
22 and you said in the lab. Is that correct?

1           A       There, yes. And then shipping and  
2       receiving. A lot of the times I would take the  
3       paperwork over there for that as well.

4           Q       And that was in the mill?

5           A       Yes.

6           Q       And how close was the place that you  
7       worked in the admin building to where John's  
8       office was?

9           A       Maybe ten steps.

10          Q       From where you worked in the admin  
11       building could you see John's office, John Spears'  
12       office?

13          A       Yes.

14          Q       Thank you. Based on your daily  
15       interactions with Mr. Rob Baumann, was Mr.  
16       Baumann, did he show up to work on time?

17          A       Yes. He was always there early, as was  
18       I. We were usually there before John Spears even  
19       showed up.

20          Q       Did Mr. Baumann have a good attitude at  
21       work?

22          A       Yes.

1 Q Did Mr. Baumann care about safety?

2 A Yes.

3 Q Did you consider, based on your  
4 interactions with Mr. Baumann, to be -- was Mr.  
5 Baumann competent at his job?

6 A Yes.

7 Q In your role, like you mentioned the  
8 retail orders, the lab and shipping and receiving,  
9 did any of that work involve you working with Mr.  
10 Baumann?

11 A Shipping and receiving, yes. He helped  
12 me a lot with that as well, and then like in the  
13 evenings we would do -- we would fill out these  
14 Excel sheets to -- for like production and  
15 everything.

16 Q Was one of your jobs, we talked a little  
17 bit about some sort of production spreadsheet. Is  
18 that the spreadsheet you're talking about?

19 A Yes, ma'am.

20 Q And what was your job related to that  
21 production spreadsheet?

22 A Basically it would have like inventory.

1 So it would basically lay out like how much  
2 different types of product we had.

3 Q And were you responsible for maintaining  
4 that document?

5 A I was in learning of that at that time,  
6 yes.

7 Q Would you make entries into that  
8 document?

9 A Yes.

10 Q And then you said you worked on that  
11 with Mr. Baumann?

12 A In the evenings I was also kind of being  
13 trained by Mr. Tidaback as well.

14 Q How would you describe the safety  
15 culture at American Tripoli?

16 A Very unsafe.

17 Q Were you concerned about your safety at  
18 the mill?

19 A Anytime I went in that building, yes,  
20 ma'am.

21 Q And what kind of specifically were you  
22 concerned about?

1           A       It's very old and very rickety, and  
2       there is a lot of dust, so that worries me as far  
3       as breathing. My grandpa actually worked there.  
4       He died in 1970, so it was before my time. I know  
5       that he died from repercussions of not being able  
6       to breathe. So I always had a fear of that  
7       personally.

8           Q       Do you know if Mr. Baumann ever  
9       complained to John Spears about his safety  
10      concerns at the mill?

11          A       Constantly.

12          Q       Did you observe any of those?

13          A       Yes.

14          Q       Tell us about them.

15          A       He would explain to him what was going  
16      on with the machinery, as far as what was  
17      happening in the mill and when things weren't  
18      going correct and people could get potentially  
19      hurt in those situations. He would just, you  
20      know, say, John, we can't do this. This is not  
21      safe. This is not safe. I heard this is not safe  
22      multiple times a day, every day. It was a daily

1 thing.

2 JUDGE MORAN: Did you have an objection?

3 MR. TIDABACK: I do. In her statement  
4 she said she's been there a month and a half, and  
5 she's actually employed 17 days with us.

6 JUDGE MORAN: Okay. There you go. I  
7 know you're not an attorney. That would be  
8 something on cross examination. You would say  
9 something along the lines of, did you testify on  
10 direct examination that you worked there, whatever  
11 you just said, but wasn't it in truth X number of  
12 days. You know, so that's a cross examination  
13 area if you decide that that's important to her  
14 credibility. I mean, that's your call, not mine.  
15 Go ahead, Attorney Smith.

16 BY MS. SMITH:

17 Q And just to clarify, you stated he would  
18 explain to him. Who are the people you're talking  
19 about you said he would explain to him about the  
20 machinery?

21 A John Spears. No, Rob Baumann.

22 Q Rob Baumann would explain to?

1           A       John Spears.

2           Q       About the machinery?

3           A       Yes.

4           Q       And then you also said, I think you said  
5 he would say this is not safe. Were you referring  
6 to what Rob Baumann said that it is not safe?

7           A       Yes.

8                   JUDGE MORAN: Let me ask a question now.  
9 So when you heard things like Mr. Baumann telling  
10 Mr. Spears that things were not safe, that's  
11 essentially what you heard?

12                  THE WITNESS: Yes.

13                  JUDGE MORAN: Where were you in  
14 relationship to those individuals when you heard  
15 sufficient things?

16                  THE WITNESS: Sitting at my desk.

17                  JUDGE MORAN: Okay. And so that means  
18 -- does that mean that Mr. Baumann and Mr. Spears  
19 were in the building that you were in at that  
20 time?

21                  THE WITNESS: Yes, Your Honor.

22                  JUDGE MORAN: Okay. And I think you

1 described earlier, this was -- where you heard  
2 this was in Mr. Spears' office?

3 THE WITNESS: In the hallway and in the  
4 office.

5 JUDGE MORAN: And Mr. Spears' office you  
6 said was -- did you say ten steps away?

7 THE WITNESS: Roughly, yeah.

8 JUDGE MORAN: Okay. Go ahead.

9 BY MS. SMITH:

10 Q And then I want to direct your attention  
11 to a particular incident related to dust. Was  
12 there ever a time John Spears asked you to create  
13 something that would help capture and control the  
14 dust in the mill?

15 A Yes. John brought, I don't know exactly  
16 what kind of material it was, but it was a sheet  
17 like thing. It was thicker than a sheet, and he  
18 brought fishing line and he had me sew some sort  
19 of like filter, I guess, to put over one of the  
20 machines to reduce dust. And they would water it  
21 down. I don't think that it lasted very long, but  
22 it was on the far side of the building, but yes.



1 JUDGE MORAN: You're telling me you  
2 helped install that, your --

3 THE WITNESS: I did not install it. I  
4 just sewed it.

5 JUDGE MORAN: Okay. And someone else  
6 put it on the machine --

7 THE WITNESS: Yes.

8 JUDGE MORAN: -- where it was located.  
9 Okay. Go ahead.

10 BY MS. SMITH:

11 Q Do you recall any inspections by the  
12 Mine, Safety and Health Administration, MSHA,  
13 while you were employed at American Tripoli?

14 A Yes, ma'am.

15 Q How many?

16 A At least three to five times.

17 Q Can you tell us about any of them?

18 A They were always friendly. We weren't  
19 supposed to have the door unlocked, but a lot of  
20 the times with people going in and out the door  
21 would be unlocked. So they would come in, and  
22 then they would be like, well, why was the door

1 unlocked? But they were always really friendly to  
2 me. And like I know that we weren't supposed to  
3 talk to them, but I didn't really have a whole lot  
4 of conversation with them too much, but they were  
5 always friendly.

6 Q Okay. When you say they, they were  
7 friendly, are you speaking?

8 A MSHA.

9 Q The MSHA inspectors?

10 A Yes, ma'am.

11 Q Okay. And then when you said we weren't  
12 supposed to talk to them, who is we and them?

13 A John Spears would state that Russell  
14 said we are not supposed to talk to the MSHA  
15 inspectors.

16 Q And when you said we weren't supposed to  
17 have the door unlocked, what did that mean?

18 A I don't know why we weren't supposed to  
19 have the door unlocked. I do remember speaking to  
20 Mr. Tidaback about that, but he said it was for  
21 safety. But I'm related to over half the town, so  
22 I didn't feel unsafe in the town that I was in, so

1 I'm not sure.

2 Q Are you saying that Mr. Tidaback asked  
3 you to keep the door locked?

4 A Yes.

5 Q And this is the door to the admin  
6 building?

7 A Yes, ma'am.

8 Q Where you worked?

9 A Yes.

10 Q Did Mr. Tidaback -- and it's your  
11 testimony that Mr. Tidaback asked you to keep the  
12 door locked on the admin building was because of  
13 your safety?

14 A Yes.

15 JUDGE MORAN: By the way, I take it, you  
16 tell me if I have this correct, that when you --  
17 there were moments when -- you said three or four  
18 occasions, forgive me if I'm wrong about what you  
19 said, were MSHA inspectors were there?

20 THE WITNESS: Yes.

21 JUDGE MORAN: And I take it that you  
22 meant they came into the admin building?

1 THE WITNESS: Yes.

2 JUDGE MORAN: And so can I assume from  
3 that that that was the only location where you  
4 were in contact with the MSHA inspectors? And by  
5 that I mean, I take it, you didn't go on tour with  
6 them when they were going through the mill. Is  
7 that correct?

8 THE WITNESS: Correct.

9 JUDGE MORAN: Okay. So your contact was  
10 in the -- solely within the admin building?

11 THE WITNESS: Yes.

12 JUDGE MORAN: All right. Go ahead.

13 BY MS. SMITH:

14 Q And then you may have said this, but  
15 what was it that Mr. Spears instructed you to do  
16 when MSHA arrived on-site?

17 A Not to talk to MSHA.

18 Q Did he tell you why?

19 A No.

20 JUDGE MORAN: He did not tell you why?  
21 Did you raise a question as to why?

22 THE WITNESS: I mean, I wondered, but I

1     felt at that point that it was none of my  
2     business.

3                   BY MS. SMITH:

4           Q     Can you recall a time when you worked at  
5     American Tripoli when the mill was shut down?

6           A     Yes.

7           Q     Do you know what agency had shut down  
8     the mill?

9           A     MSHA.

10          Q     And did you know why MSHA was asking or  
11     had shut down the mill in this instance?

12          A     Something to do with like fines.

13          Q     Were you -- did you have a conversation  
14     with Mr. Baumann about the shutdown?

15          A     Not really. Other than he said that  
16     they were shut down but that's because I was like  
17     why are we running, but that's it.

18          Q     Do you know whether Mr. Baumann  
19     participated in any of the MSHA inspections?

20          A     I have no idea.

21          Q     And did you ever interact with any of  
22     the MSHA inspectors?

1           A     I greeted them, you know, as they came  
2     into the administration building, but other than  
3     that, no.

4           Q     Did you hear any of the MSHA inspectors  
5     yell?

6           A     No.

7           Q     Did any of the MSHA inspectors threaten  
8     you?

9           A     No.

10          Q     Did any MSHA inspector ever tell you  
11     they were going to take you to jail?

12          A     No. The police actually said that they  
13     would take everybody to jail.

14          Q     But not MSHA?

15          A     Not MSHA.

16          Q     Were you ever scared of any of the MSHA  
17     inspectors?

18          A     No.

19                MS. SMITH: Just one moment, Your Honor,  
20     if I may.

21                JUDGE MORAN: Sure. Before you do, I'm  
22     going to ask the witness one question. When you

1     said that not MSHA but that the police said they  
2     were threatening to take you to jail, is that what  
3     you said?

4             THE WITNESS:    Yes.

5             JUDGE MORAN:    Okay.   Can you remember  
6     the context or the reason why they were  
7     threatening?

8             THE WITNESS:    There was a lot of dust  
9     blowing into the town, and it was just all in the  
10    air and they were trying to get, you know, them to  
11    shut down because obviously something wasn't  
12    working correctly.

13            JUDGE MORAN:    Okay.   Thank you.

14            BY MS. SMITH:

15            Q     And, Ms. Brewer, as to the dates of your  
16    employment, does it refresh your recollection that  
17    you started your work at American Tripoli on  
18    December 19th, 2022?

19            A     I know it was in December.   I don't  
20    remember exactly what day.

21            Q     Would it -- does it refresh your  
22    recollection that you terminated your employment

1 with American Tripoli on January 24th, 2023?

2 A I want to say yes.

3 Q Okay.

4 MS. SMITH: Just one moment.

5 JUDGE MORAN: Sure.

6 MS. SMITH: I'll direct the court's  
7 attention to Exhibit P39.

8 JUDGE MORAN: Okay.

9 MS. SMITH: It's been previously  
10 admitted, P39.

11 JUDGE MORAN: That's helpful to remind  
12 me of that and by luck I happen to be on P39 right  
13 now. It's entitled Interrogatories.

14 MS. SMITH: Yes. And we're looking at  
15 Page 15, and I'll just direct the Court's  
16 attention to Page 15 of P39 which is an  
17 interrogatory response by Respondent. It does lay  
18 out in the middle of the page, Item No. 25,  
19 Kensley Brewer, her job title, her dates of  
20 employment being December 19th of 2022 through  
21 January 24th of 2023.

22 JUDGE MORAN: Thank you for calling that



1 to my attention.

2 MS. SMITH: And at this time we have no  
3 further questions for this witness and we will be  
4 turning over a copy of her un-redacted statement  
5 to the Respondent.

6 JUDGE MORAN: Yes. Will I be getting --  
7 the only redaction is the name. Is that right?

8 MS. SMITH: It is, and other identifying  
9 information. We're not going to offer it as an  
10 exhibit.

11 JUDGE MORAN: Okay.

12 MS. SMITH: We do have a copy.

13 JUDGE MORAN: No, that's fine. All  
14 right. Mr. Tidaback, once you receive that,  
15 you're now able to question Ms. Brewer.

16 MR. TIDABACK: What is this for?

17 JUDGE MORAN: That is just the  
18 un-redacted version of a statement given by Ms.  
19 Brewer, as I understand it. Right?

20 MS. SMITH: Yes, Your Honor. It is the  
21 un-redacted statement that Ms. Brewer gave to the  
22 MSHA inspector for the inspection of this. It is

1 also located within Exhibit P41, and that's the  
2 redacted version is P41.

3 JUDGE MORAN: Okay. And 41 is in.  
4 Right?

5 MS. SMITH: No, it is not.

6 JUDGE MORAN: The redacted version has  
7 not been entered?

8 MS. O'REILLY: No, we have not offered  
9 that as of yet.

10 JUDGE MORAN: Okay. Go ahead, Mr.  
11 Tidaback, if you have questions of Ms. Brewer.

12 MR. TIDABACK: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. TIDABACK:

15 Q So do you recall taking your new miner  
16 training on December 23rd -- or 23rd of 2022?

17 A No.

18 Q You don't recall taking that training  
19 online? You were given a certificate at the end?

20 A Maybe so.

21 Q Okay.

22 A I thought the new miners training was

1 the training that we had like the week before I  
2 left which was in a classroom. Well, not a  
3 classroom but a room with everybody.

4 Q I know that they were given training. I  
5 just don't know specifically without looking  
6 through the records, but I know that there was  
7 additional training that you attended, but it  
8 wasn't your new miner training. Okay? All right.  
9 Did you use Teams to communicate?

10 A Yes.

11 Q Okay. So we determined how long you've  
12 been employed with -- at American Tripoli. During  
13 this time, how much time or how much of your  
14 tenure was spent in training versus actively  
15 performing your job duties?

16 A Not very long.

17 Q So if you were there 17 days and you  
18 took MSHA training three days, then we gave  
19 another day of, I think it was one day, I don't  
20 remember which training you did in January, but I  
21 think it was one day of training, so that would be  
22 five days?

1 MS. SMITH: We object to this question.  
2 It's testimony. It's not a question.

3 THE WITNESS: Three.

4 JUDGE MORAN: Well, you're asking for  
5 the total number of days she was working and not  
6 in training?

7 MR. TIDABACK: Correct.

8 JUDGE MORAN: Do you know how many days  
9 you were actually doing your job and  
10 distinguishing that from not being able to do your  
11 job because you're in training?

12 THE WITNESS: I could probably say  
13 three-fourths of the time that I was there I was  
14 working.

15 JUDGE MORAN: Okay.

16 BY MR. TIDABACK:

17 Q In your role can you give a detailed  
18 explanation or description of your interaction  
19 with other mining departments?

20 A Can you ask that question one more time?

21 Q Can you detail the extent of your  
22 interaction with other mine departments or

1 operations outside of your immediate role?

2 A So I worked every day with other  
3 departments because I worked -- I mean, I worked  
4 with Rob Baumann every day. You know, the  
5 maintenance, everybody was in the office all the  
6 time. If they had questions, what can we do about  
7 this, what can we do about that and I had to  
8 report to John, so a lot of times I became John's  
9 assistant.

10 Q Right.

11 A So that's -- I mean, I worked with  
12 everybody all the time, and they were always very  
13 respectful to me.

14 Q Good, good. I'm glad to hear that. Did  
15 Mr. Baumann have any negative discussions with you  
16 about the company?

17 A No.

18 Q Were you prepped by anyone for this  
19 testimony?

20 A No.

21 Q How did you gather the information you  
22 testified about regarding the conditions and

1 practices of the mine?

2 A Because I worked there and it was  
3 commonly spoke about.

4 Q Okay. By who?

5 A Everyone.

6 Q Mr. Baumann?

7 A I didn't get to have like a one to one  
8 conversation about that, but everybody would be  
9 talking amongst each other.

10 Q Okay. So if you didn't have the  
11 conversations with Mr. Baumann, how can you -- the  
12 testimony you gave to the secretary, how could you  
13 relate that he was a good person and cared about  
14 safety and --

15 A Because he was constantly talking to  
16 John about safety.

17 Q Okay. So with that, with your statement  
18 there, can you explain how you were able to  
19 evaluate Mr. Baumann's job performance?

20 A I didn't say that I watched him do his  
21 job. I'm confused.

22 Q Did the --

1 JUDGE MORAN: That's fine, and that's  
2 the appropriate answer. If you believe that you  
3 didn't talk about his job performance because you  
4 weren't there watching it, and that's an answer.

5 BY MR. TIDABACK:

6 Q Correct. What specific instances of Mr.  
7 Baumann's protected activity are you aware of?

8 MS. SMITH: I'm going to object to the  
9 question as protected activity isn't defined, and  
10 I think he's using a very particularized way that  
11 we have not agreed understanding of with this  
12 witness.

13 JUDGE MORAN: Repeat that last part.  
14 You sort of softened up.

15 MS. SMITH: Sorry. The protected  
16 activity is a particular legal term of art here.  
17 I'm not sure that Ms. Brewer has an understanding  
18 of what you mean by that term.

19 JUDGE MORAN: Fair enough. Yes. So you  
20 have to rephrase your question.

21 MR. TIDABACK: Yes, Your Honor.

22

1 BY MR. TIDABACK:

2 Q Okay. So if an MSHA inspector was to  
3 ask you questions, would you answer those  
4 questions?

5 A Yes.

6 Q That is an act -- do you understand that  
7 that is a protected act under the Miners Act,  
8 speaking with the MSHA inspectors?

9 A What do you mean exactly?

10 Q Speaking to an MSHA inspector is a  
11 protected act under the miners rights of the  
12 Miners Act.

13 A Okay.

14 Q So if you talked to an MSHA inspector,  
15 that is your protected right as a miner.

16 JUDGE MORAN: Okay. See, you're making  
17 assertions about things. You can ask her  
18 questions about what she knows. Actually her  
19 legal conclusion as to whether it's protected  
20 activity, that's something I would decide.

21 MR. TIDABACK: Yes, Your Honor. Okay.

22 JUDGE MORAN: Just remember, this is



1 about Mr. Baumann.

2 MR. TIDABACK: Correct, Your Honor.

3 JUDGE MORAN: And her observations about  
4 interactions between Mr. Spears and Mr. Baumann.

5 MR. TIDABACK: Perfect. Thank you, Your  
6 Honor.

7 BY MR. TIDABACK:

8 Q Can you describe the nature and  
9 frequency of your communications with the mine  
10 owners and Mr. Spears?

11 A So I feel like a lot of communication  
12 was done through technology. This is the first  
13 time I have ever met you in person.

14 Q Yes, ma'am.

15 JUDGE MORAN: Today, right now?

16 THE WITNESS: Yes.

17 JUDGE MORAN: Thank you. When you say  
18 you, you mean Mr. Tidaback?

19 THE WITNESS: And Ms. Jordan.

20 JUDGE MORAN: First time you have met  
21 either of them in person?

22 THE WITNESS: Yes. So usually I only --

1 I mean, I spoke to you on the phone, I have spoke  
2 to you via like Zoom or video chat. I don't know  
3 specifically. It was probably Teams, I guess. I  
4 mean, I just feel like we had a very disgruntled  
5 conversation of me -- with me and you at the end  
6 of my employment because I really don't know why,  
7 but I felt like I -- you weren't confident in my  
8 work, and so that's where that -- I felt very  
9 disrespected.

10 BY MR. TIDABACK:

11 Q And that conversation, do you remember  
12 what it was about?

13 A Yes.

14 Q Okay.

15 A It was about inventory. It was a Monday  
16 morning. It was about 20 degrees outside, and it  
17 was very cold. There's thousand pound bags you  
18 wanted me to go out and re-count that I had  
19 counted Friday evening with John Spears before I  
20 left. And you were insistent, even though no  
21 shipments had left, that I go out and count those  
22 thousand pound bags in 20 degree weather when

1     there's no heat in the mill.

2             Q     Thousand pounds? I'm sorry, I'm not  
3     sure.

4             A     Your big bags. The big bugs. The bulk  
5     bags.

6             Q     Oh, the bulk bags?

7             A     Yes.

8             Q     Okay.

9             A     And we had had a disagreement about that  
10    because you weren't sure of my work until I had  
11    explained to you that John had already done it  
12    with me, and I felt very disrespected and that is  
13    why I quit.

14            Q     Okay. So during that conversation I was  
15    just asking you to count inventory which is part  
16    of your job description. Correct?

17            A     Which I had already done on Friday, as  
18    you asked me to do.

19                   JUDGE MORAN: Okay.

20                   MS. SMITH: I was going to object to --  
21    he asked her about a conversation they had. She  
22    answered it, and now we seem to be straying into

1 kind of non-relevant areas.

2 JUDGE MORAN: I agree.

3 MR. TIDABACK: Yes, Your Honor.

4 JUDGE MORAN: So the objection is  
5 sustained.

6 BY MR. TIDABACK:

7 Q So during your conversations or  
8 overhearing of conversations with Mr. Baumann and  
9 Mr. Spears, did you ever hear Mr. Spears raise his  
10 voice to anyone?

11 A Yes.

12 Q Did -- anyone in particular?

13 A Several people.

14 Q Did he raise his voice at Mr. Baumann?

15 A He had, yeah.

16 Q Okay. Did you hear Mr. Baumann raise  
17 his voice at John Spears?

18 A When it came to safety he did, because  
19 John would not listen because John was being told  
20 to do it otherwise.

21 Q So how would you know that?

22 A Because John would say Russell said this

1 is what we're doing.

2 Q Okay. And then you stated that you  
3 heard the police state that they were going to  
4 take you to jail. Did you hear that directly from  
5 the police officer or is that hearsay?

6 A No. They said that in the  
7 administration building talking to John.

8 Q Who is -- who is they?

9 A The police.

10 Q Okay. The police, you heard them say  
11 that?

12 A Yes.

13 JUDGE MORAN: If you have any redirect,  
14 you may. Just one second.

15 MS. SMITH: No, we do not.

16 JUDGE MORAN: Just I'm curious. So when  
17 you have this 22 degree weather demand that you go  
18 back out and check the bags, check the weight,  
19 what the tag said. Right?

20 THE WITNESS: He wanted me to go and  
21 count the inventory.

22 JUDGE MORAN: Count the inventory again.

1 I'm sorry.

2 THE WITNESS: Yes.

3 JUDGE MORAN: So you explained that you  
4 had done that on the previous Friday with Mr.  
5 Spears.

6 THE WITNESS: Yes. And we were closed  
7 on the weekend and no shipments had left.

8 JUDGE MORAN: Okay. But by curiosity,  
9 did you then say I quit or did you go out and  
10 check the inventory again? What happened?

11 THE WITNESS: I quit.

12 JUDGE MORAN: You quit right there on  
13 the spot?

14 THE WITNESS: Yes.

15 MS. SMITH: We have no further questions  
16 for this witness.

17 JUDGE MORAN: All right. And do you  
18 have any other questions, based on my question to  
19 Ms. Brewer? I'm not saying you should. I'm  
20 offering you the opportunity to ask another  
21 question about my question.

22 MR. TIDABACK: Right. Yes, Your Honor.

1 BY MR. TIDABACK:

2 Q During that conversation with you and I,  
3 you felt that I disrespected you. Did you say  
4 anything in that conversation that was  
5 disrespectful to me?

6 A Yes.

7 MS. SMITH: We're going to object as to  
8 relevance of the question.

9 JUDGE MORAN: I think that given what  
10 happened here, that she then quit, that the  
11 question and therefore the answer are irrelevant  
12 to this proceeding.

13 MR. TIDABACK: Yes, Your Honor.

14 MS. SMITH: And we're done with this  
15 witness if she's allowed to leave for the day, and  
16 we do need to hand her the forms for appearing  
17 based on the subpoena.

18 JUDGE MORAN: Thank you, Ms. Brewer, for  
19 your testimony. I wish you well for the rest of  
20 the day and beyond that.

21 THE WITNESS: Thank you, Your Honor.

22 MS. SMITH: Also we ask, Judge, that you

1 inform her that she's not to speak to anyone until  
2 these proceedings are complete.

3 JUDGE MORAN: Thank you for reminding me  
4 of that. I told all the witnesses, and if I don't  
5 forget, hopefully I'll be reminded to tell future  
6 witnesses, until you hear from the Secretary's  
7 attorneys and I mean from them, that this  
8 proceeding is over, I don't want you to speak with  
9 anyone about this.

10 THE WITNESS: Okay.

11 JUDGE MORAN: And it is possible, I  
12 don't have a crystal ball, that this proceeding  
13 might have to be continued a few weeks from now.  
14 And so we have a requirement that you not speak  
15 with anyone. Might quite a long period of time.  
16 But she'll let you know when the proceeding is  
17 over, the Secretary's attorneys will. All right.  
18 Thank you again for your testimony.

19 Okay. Who's next?

20 MS. O'REILLY: The Secretary calls  
21 Michael Dillingham.

22 JUDGE MORAN: I'm not going to call you



1 doc. Okay?

2 THE WITNESS: You can call me whatever  
3 you want.

4 JUDGE MORAN: Okay. Mr. -- we'll have a  
5 formality here. Okay? All right. So I'm going  
6 to swear you in. Court Reporter, still with us?

7 COURT REPORTER: Yes, I am.

8 JUDGE MORAN: Okay. Thank you very  
9 much. And I see you have raised your right hand.  
10 Thank you.

11 Whereupon,

12 MICHAEL DILLINGHAM  
13 was called as a witness and, having been first  
14 duly sworn, was examined and testified as follows:

15 JUDGE MORAN: As you saw the other  
16 witnesses do, because you're the MSHA  
17 representative in this proceeding, I want to you  
18 state your name and spell it.

19 THE WITNESS: Michael Dillingham.

20 M-i-c-h-a-e-l D-i-l-l-i-n-g-h-a-m.

21 JUDGE MORAN: Go ahead, Attorney Smith.  
22 O'Reilly. Sorry.

1 DIRECT EXAMINATION

2 BY MS. O'REILLY:

3 Q Mr. Dillingham, you are currently  
4 employed by the U.S. Department of Labor, Mine  
5 Safety and Health Administration. Is that  
6 correct?

7 A Yes.

8 Q What is your job title?

9 A I'm special investigator.

10 Q How long have you held that job title?

11 A Just a little over ten years.

12 Q As part of that role what type of cases  
13 do you investigate?

14 A I investigate the -- actually, I enforce  
15 105 and 110 of the Mine Act.

16 Q And how long have you worked for MSHA?

17 A Be 17 years in April.

18 Q Prior to becoming a special investigator  
19 what was your job title?

20 A I was a federal mine inspector.

21 Q Other than your work with MSHA, do you  
22 have any other experience working in mines?

1           A       I started my mining career on August the  
2   13th, 1974. During that time in between there I  
3   had 31 years before I became to MSHA. My  
4   background is coal. This year, in August, I'll  
5   have 50 years.

6                   JUDGE MORAN: Congratulations.

7                   THE WITNESS: I worked 16 years -- 15  
8   years underground, 10 years surface. I had six  
9   years mine construction and then my MSHA time,  
10   seven years as inspector and then my ten years,  
11   so.

12                  BY MS. O'REILLY:

13                Q       And did you conduct a 105(c)  
14   investigation into the discrimination complaint  
15   filed by Robert Baumann?

16                A       I did.

17                Q       And I'll direct you to look at Exhibit  
18   P1.

19                A       Be a test training me on these books.

20                   MS. O'REILLY: Can I approach the  
21   witness just to show him?

22                   JUDGE MORAN: Yes, of course. P1, if

1     you will open up in that book.

2                   BY MS. O'REILLY:

3           Q     Are you there?

4           A     I am.

5           Q     And do you know what this document is?

6           A     I do.

7           Q     What is this document?

8           A     It's an MSHA Form 2123.

9           Q     And who filled out this form?

10          A     Crystal Vanover.

11          Q     And then is this -- it looks like it was  
12     received by Crystal Vanover. Is that correct?

13          A     Yeah, she's the complaint processor.  
14     She's the one that, whenever a complaint comes in,  
15     as investigators, we don't take the complaints.  
16     We have a complaint processor that does that, and  
17     that's Ms. Vanover.

18          Q     And whose complaint is this?

19          A     It's Robert Baumann.

20          Q     And is this complaint a document that's  
21     maintained as part of MSHA's investigatory process  
22     into discrimination complaints?

1 A Yes.

2 Q And this is part of your investigation?

3 A Yes.

4 MS. O'REILLY: I move to admit Exhibit  
5 P1.

6 JUDGE MORAN: P1 is admitted.

7 (Complainant's Exhibit P-1 was  
8 marked for identification and  
9 received in evidence.)

10 BY MS. O'REILLY:

11 Q What date was Mr. Baumann's  
12 discrimination complaint filed?

13 A April 25th, 2023.

14 Q And in the discrimination complaint, who  
15 did Mr. Baumann allege discriminated against him?

16 A Russell Tidaback, Jordan Tidaback and  
17 John Spears.

18 Q As part of the 105(c) investigation,  
19 does MSHA notify the mine operator that a  
20 complaint has been filed?

21 A Yes.

22 Q Did that happen in this case?

1           A     Yes.

2           Q     Do you know who would have been  
3 notified?

4           A     They should have sent a letter to all  
5 three of them. All three of the persons named in  
6 this will get a certified letter with a return  
7 receipt.

8           Q     And do you keep track of that letter as  
9 part of your investigation file?

10          A     We do.

11          Q     And do you also keep track of any sort  
12 of receipt showing that those letters were  
13 delivered?

14          A     We do.

15          Q     Do you know when the complaint was  
16 delivered to the operator in this case?

17          A     4-27.

18          Q     And that was based on your review of  
19 your file?

20          A     Beg pardon?

21          Q     You know that from the review of your  
22 file, that date?

1           A       Well, I have got it off the top of my  
2 head, but.

3           Q       That's how --

4           A       Yeah, it's part of my file.

5           Q       Yes. Okay. Did you gather information  
6 about the mine as part of your investigation?

7           A       We do.

8           Q       Could you turn to Exhibit P17. Are you  
9 there? Do you know what that document is?

10          A       Yes.

11          Q       Did you see this document as part of  
12 your investigation?

13          A       I did.

14          Q       And what is this document?

15          A       This is a legal ID report. That's what  
16 MSHA requires to be filled out. It's got all the  
17 pertinent information that in case anybody, as far  
18 as within MSHA, wants to go to that mine. And do  
19 you want me to kind of break it down a little bit  
20 --

21          Q       Sure.

22          A       -- for you? Well, like us, I don't look

1 at everybody's legal ID all the time, but if we  
2 get a case come up, then we pull their legal ID.  
3 That's part of what we do. And we read and see  
4 who's named as person in charge helping safety,  
5 who's the manager, who is the president of the  
6 company, where's it's located. It tells all that  
7 information. But also if an inspector, say, was  
8 to have an accident or if you're going to have  
9 just a regular inspection or if you have anything  
10 that comes up, that inspector can go into our trek  
11 and come and find this, and it's under -- it's  
12 agency. It's not regular for anybody other. It's  
13 inhouse. But you can find this and go in and then  
14 they can find that information out and know that,  
15 too.

16 Q So this is information that's maintained  
17 in the regular course of business with MSHA?

18 A It is, and, too, if someone changes,  
19 something was to change on this, because at the  
20 top it's got effective date 3-31-23. But if  
21 something was to change on that, then he would  
22 have to go on and they got so many days to change



1     this, to update it. Like if someone was to quit  
2     or someone get discharged or, you know, something  
3     happened to that, they have to go in there and do  
4     that.

5           Q     And so you gathered this document as  
6     part of your investigation in this case?

7           A     Yes.

8           Q     And you put it in your investigation  
9     file?

10          A     I did.

11          Q     And you maintained it there?

12          A     Yes.

13          Q     And is this a fair and accurate copy of  
14     the legal ID report for American Tripoli?

15          A     That was the latest one, yes.

16                 MS. O'REILLY: I you have to admit  
17     Exhibit P17.

18                 JUDGE MORAN: P17 is admitted. Excuse  
19     me.

20                         (Complainant's Exhibit P-17 was  
21                         marked for identification and  
22                         received in evidence.)

1 BY MS. O'REILLY:

2 Q And this -- the mine American Tripoli is  
3 located in Seneca, Missouri. Is that correct?

4 A Yes.

5 Q And what is the name of the mine?

6 A They tried to pronounce it day or two  
7 ago. I call it Missouri Seneca Manufacturing. I  
8 don't know. That's what I think it's -- I think  
9 that's what it means to me. LLC, DOB, d/b/a is  
10 American Tripoli.

11 Q Okay. And it's listed here. It's  
12 spelled M-o-s-e-n-e-c-a MFR, LLC d/b/a American  
13 Tripoli. Is that your understanding of the name?

14 A I think somebody made a typo but that's  
15 what's in here. I think they should have typed  
16 out the TR, not abbreviated.

17 Q So what you were saying earlier, how you  
18 say it, how you say just it in regular language,  
19 but that's right here is what it's listed as. Is  
20 that correct?

21 A Yes.

22 Q And this is the mine that Robert Baumann

1 worked at. Correct?

2 A Correct.

3 Q And does this list the name of the  
4 operator?

5 A It does.

6 Q And who was the operator at the time?

7 A American Tripoli -- Tripoli or Tripoli.

8 Q And is it your understanding that this  
9 is a metal, nonmetal mine?

10 A Yes.

11 Q Did you interview Mr. Baumann as part of  
12 your investigation?

13 A Yes.

14 Q Did Mr. Baumann tell you why he thought  
15 he was terminated?

16 A Yes.

17 Q And why was that?

18 A He thought it was because he had  
19 reported safety violations and he had brought up  
20 safety concerns, and all also being newly selected  
21 representative for the miners, that he was  
22 exercising his rights under the miners rights and

1 under the Mine Act, that he had been discriminated  
2 against and terminated.

3 Q Did you interview any miners, any other  
4 miners from American Tripoli as part of your  
5 investigation?

6 A I did.

7 Q I'll turn your attention to Exhibit P41.  
8 That's going to be in Volume 2. Different  
9 notebook. And I'll note that -- are you there  
10 yet? Sorry.

11 A I'm there.

12 Q I'll note this document contains  
13 redactions. Did you conduct interviews of two  
14 miners at the mine without saying their names?

15 A I did.

16 Q And one of those was Kensley Brewer.  
17 Correct?

18 A Correct.

19 Q And so I believe her interview is  
20 redacted in this exhibit on Pages 6 through 10 and  
21 we now have provided the un-redacted copy to  
22 Respondent.

1           A       Now, we're on 41.  Correct?

2           Q       Yeah.  Is that correct that these are  
3 your interview notes?

4           A       Yes.

5           Q       Okay.  And you understand that we  
6 redacted those to protect the name of the miners?

7           A       Yes.

8           Q       With regard to your interview of Kensley  
9 Brewer, did she tell you about whether Mr. Baumann  
10 was a good employee?

11          A       She did.

12          Q       And what did she say?

13          A       She said Rob was -- Mr. Baumann, he was  
14 a -- he was good to work with.  He was a stand up  
15 guy.  He -- I'm going to read this out of here.  
16 I'm going -- he was a stand up guy.  He stood for  
17 safety.  He stood up for the workers.  He tried to  
18 do what the right thing was and tried to work with  
19 people, and you know, he would listen to you, and  
20 you know, he had knowledge of the plant.  And he,  
21 you know, he genuinely cared, you know, and he  
22 tried to do a good job.

1           Q     Did she confirm that Mr. Baumann made  
2     safety complaints to management?

3           A     Yes.

4           Q     Did she say how American Tripoli  
5     responded to those safety complaints?

6           A     How that they responded?

7           Q     Yeah, if you recall.

8           A     Ask me that again.

9           Q     Did she say anything about how American  
10    Tripoli management responded to any of the safety  
11    complaints Mr. Baumann raised?

12               JUDGE MORAN:   And you know, Counsel,  
13    it's perfectly appropriate if you know the answer  
14    to that question, if you could direct Mr.  
15    Dillingham to a page on the exhibit and then ask  
16    him if that refreshes his recollection rather than  
17    hunting through this document.

18               MS. O'REILLY:   Understood.

19               THE WITNESS:   And there's not a lot to  
20    this interview here really.

21               JUDGE MORAN:   Just -- let's wait for the  
22    questions to come on.   One thing is that you could

1 say, if appropriate, Mr. Dillingham, that if you  
2 don't recall if -- if Ms. -- one second. If Ms.  
3 Brewer -- if you don't recall if Ms. Brewer told  
4 you how Tripoli responded to the safety  
5 complaints, you could just say I don't recall. If  
6 it's in the exhibit.

7 MS. O'REILLY: Yeah.

8 JUDGE MORAN: You found it.

9 BY MS. O'REILLY:

10 Q Yes. I'll direct your attention to Page  
11 6, one, two, three, the third paragraph under  
12 towards the end. Do you see where it states  
13 there, "He would take over someone's job and do it  
14 if they thought it was unsafe. If an employee  
15 would say to him this is not safe, you he take it  
16 over and do it anyway. He would even bribe people  
17 with saying, ah, go ahead and I'll go to Dairy  
18 Queen and get you a hamburger." Does that refresh  
19 your recollection about how Respondent responded  
20 to the issues?

21 A Yeah, but I think I got confused here,  
22 because Exhibit 5 and 6 are in this as one

1 document.

2 Q Okay.

3 A That is where I got confused.

4 Q Yes. I put both of the interviews in  
5 one Exhibit, P41 and you're referring to your  
6 Exhibits 5 and 6 from your investigation file, and  
7 I think that's what's causing confusion. If you  
8 look at the very bottom there's Bates numbering  
9 and it says Exhibit P41. Do you see that at the  
10 bottom?

11 A Yes.

12 Q And it will say Page 00. What I am  
13 looking at is page 006 of this P41.

14 A Okay. Sorry about that.

15 JUDGE MORAN: No one is faulting you.  
16 Just speed this along, you're talking -- you're  
17 asking Mr. Dillingham to focus on the paragraph  
18 that begins on a personal level, John Spears?

19 MS. O'REILLY: Yes.

20 JUDGE MORAN: You see that paragraph?

21 THE WITNESS: Yes, sir.

22 JUDGE MORAN: This, again, it's been



1     awhile now -- I'm kidding -- that the question was  
2     how did American Tripoli respond to safety  
3     complaints, and I believe that's why Attorney  
4     O'Reilly is asking you about that.

5                 THE WITNESS:   On this, and I would have  
6     to read this out of here, and it says, on a  
7     personal level.   Is that where you're talking  
8     about?

9                 BY MS. O'REILLY:

10                Q     Yeah.

11                A     Yeah.   And do you want me to read?

12                Q     No.   Do you recall that conversation?

13                A     I remember the conversation.   I remember  
14     -- I mean, this is my documents.

15                Q     Right.   So can you tell us about that  
16     conversation?

17                A     You know, of course, you got to  
18     remember, too, I've read these over but it's been  
19     a year since I did this.

20                Q     Understood.

21                JUDGE MORAN:   That's fine.

22                A     You know, but -- and from what I could

1 understand, you know, and you would listen to what  
2 you would say here where Mr. Baumann would come  
3 and address something to Mr. Spears or Mr.  
4 Tidaback, and if they felt like that, you know,  
5 say Mr. Baumann says I don't want to do this here  
6 because it's unsafe act. Then they come up and  
7 say that John Spears would just go ahead and do it  
8 anyway, safe or not. Is that what you're getting  
9 at?

10 BY MS. O'REILLY:

11 Q Yes.

12 A And I do remember this, but I guess I  
13 didn't click on what you're saying here, and you  
14 know, to go on in here, and of course, you've got  
15 the documents and everybody does, but you know, it  
16 would say where, you know, that John Spears didn't  
17 make know difference what it was. If Russell told  
18 him to do it, he would do it, and I'm talking  
19 about Mr. Tidaback and that's what was said here.

20 Q Thank you. And then I'm going to be  
21 referring back to Page 1 of Exhibit P41, so the  
22 other interview. You have also interviewed

1 another miner. Don't state the name, in addition  
2 to Ms. Brewer. Correct?

3 A Yes.

4 Q And did this miner confirm that miners  
5 in American Tripoli had a personnel file?

6 A They did. They said that each miner had  
7 a personnel file, and that in that personnel file  
8 that it had their IRS information or tax records,  
9 like W-2 stuff or whatever. Every type of when  
10 you started a few job that you need, anything that  
11 you required in there. It may be Social Security  
12 number and stuff, and you're just -- it's your  
13 personnel file. I mean, it's a private personnel  
14 file, but they had one, yes.

15 Q And did you receive Mr. Baumann's  
16 personnel file as part of your investigation?

17 A I did not.

18 Q Did you request it?

19 A I did. Three times.

20 Q Did this miner discuss with you American  
21 Tripoli's disciplinary policy?

22 A They did.

1           Q     And did you understand that -- what did  
2     you understand the disciplinary policy to be? Do  
3     you recall?

4           A     Well, from talking to this miner and  
5     then I did get a copy of the American Tripoli  
6     handbook, and it says right in there that it's a  
7     three step process. No. 1, if they have got an  
8     issue, they converse with you about it. They talk  
9     to you about it. No. 2, you get some kind of  
10    written form, and then after that, the next thing  
11    would be -- would be potential termination or  
12    disciplinary action, you know, whatever they could  
13    warranted to do.

14          Q     And did this miner confirm that they had  
15    written up -- they had done written discipline in  
16    the past at American Tripoli?

17          A     Yes.

18                JUDGE MORAN: When you requested the  
19    personnel files for Mr. Baumann, you say three  
20    times you made the request?

21                THE WITNESS: Yes, sir.

22                JUDGE MORAN: And how did you make those

1 requests? Writing or verbally?

2 THE WITNESS: It was in writing.

3 JUDGE MORAN: In writing?

4 THE WITNESS: Yes.

5 JUDGE MORAN: Three separate letters?

6 THE WITNESS: Yes.

7 JUDGE MORAN: Did you ever receive a  
8 response one way or another such as there some  
9 options here. One is you received no response.  
10 The other is we declined to give it to you. What  
11 applied to the three letters you sent?

12 THE WITNESS: Well, to be truthful about  
13 it, you know, I asked for the personnel file that  
14 I didn't get, and all of that's in the case file,  
15 and --

16 JUDGE MORAN: Try and focus on my  
17 question. What, if anything, did they respond to  
18 your three letters? No, we're not giving it.

19 THE WITNESS: No, they gave me bits and  
20 pieces of it. It might have been, and I have to  
21 look back and see, but I don't think I got very  
22 little at all, if any, of his personnel file,

1     because that's what I was looking for.   Where's  
2     the three step process, and I didn't receive that.

3                 JUDGE MORAN:   Okay.

4                 BY MS. O'REILLY:

5                 Q     And so in your investigation did you ask  
6     for any disciplinary records for Mr. Baumann?

7                 A     I did.

8                 Q     Did you receive any written disciplinary  
9     records for Mr. Baumann?

10                A     I did not.

11                Q     I'm going to turn your attention to  
12     Exhibit P16.   That's going to be in a different  
13     notebook.   The first one that we had.

14                JUDGE MORAN:   Are we moving for any  
15     partial introduction of -- we, I mean you, of  
16     course, P41?

17                MS. O'REILLY:   Yes.   We will move to  
18     admission of Exhibit P41.

19                JUDGE MORAN:   All right.   Any objection  
20     to P41?   Thank you.

21                MR. TIDABACK:   No.

22                JUDGE MORAN:   Thank you.

1 BY MS. O'REILLY:

2 Q Are you seeing P16 now?

3 A I am on that, yes.

4 Q And do you know what this document is?

5 A It's the employees handbook, table of  
6 contents, and I see all the -- this is what I was  
7 sent --

8 Q Okay.

9 A -- by American Tripoli.

10 Q You received this as part of your  
11 investigation?

12 A Yes.

13 Q And did you put this in your  
14 investigation file?

15 A I did.

16 Q And did you maintain it there?

17 A Yes.

18 Q And is it a regular part of your  
19 business to keep the documents you receive in an  
20 investigation from your investigation file?

21 A Yes.

22 Q Is this a true and accurate copy of the

1 employee handbook you received during your  
2 investigation?

3 A I think so. It was one of 46 pages, so  
4 it says there's 46 here.

5 MS. O'REILLY: I would move to admit  
6 Exhibit P16.

7 JUDGE MORAN: Any objection to P16?

8 MR. TIDABACK: No, Your Honor.

9 JUDGE MORAN: P16 is admitted.

10 (Complainant's Exhibit P-16 was  
11 marked for identification and  
12 received in evidence.)

13 BY MS. O'REILLY:

14 Q And I'll direct your attention to Page  
15 43 of Exhibit P16. On this page do you see  
16 progressive discipline listed on that page?

17 A Yes.

18 Q And is this your understanding that this  
19 was the disciplinary policy of American Tripoli at  
20 the time of Mr. Baumann's termination?

21 A Yes.

22 Q As part of your investigation of this



1 complaint did you interview Mr. Tidaback?

2 A I did not.

3 Q Did you interview Mr. Spears?

4 A No.

5 Q Did you ask to interview them?

6 A I asked to interview or a position  
7 statement. They sent me a position statement.

8 Q And did you review that position  
9 statement?

10 A I did.

11 Q And was their position statement  
12 supported by the other evidence you received in  
13 your investigation? Let me ask it differently.  
14 Was that position statement consistent with the  
15 other information you received in your  
16 investigation?

17 A No.

18 Q Did you run into any -- it sounds like  
19 you ran into this issues gathering information  
20 from American Tripoli during your investigation.  
21 Correct?

22 A Correct.

1 Q Did you ask for Teams chats as part of  
2 your investigation?

3 A I did.

4 Q Did you only get a portion of the Teams  
5 chats you requested as part of your investigation?

6 A I got a small portion.

7 Q At the time of MSHA's inspection, were  
8 you provided with all of the Teams chats you have  
9 seen us talking about that have been presented at  
10 this hearing?

11 A Say that again.

12 Q You've been sitting in at this hearing  
13 as MSHA representative and you've seen us go  
14 through multiple page of the Teams chat. Did you  
15 receive all of those in your investigation?

16 A No.

17 Q Did you determine that Mr. Baumann was a  
18 miner?

19 A I did.

20 Q Did you determine that Mr. Baumann  
21 engaged in protected activity?

22 A Yes.

1 Q And what was that activity?

2 A The activity?

3 Q Yes.

4 A He reported safety hazards. He reported  
5 safety concerns. He was also a representative of  
6 the miners that had been interfered with in his  
7 duties as representative of miners.

8 Q Did you determine -- go ahead.

9 A I did realize an adverse action.

10 Q Did you determine that Mr. Baumann  
11 suffered an adverse action?

12 A Yes.

13 Q Did you determine that Mr. Baumann's  
14 termination -- what was the adverse action?

15 A He was terminated.

16 Q Did you determine that Mr. Baumann's  
17 adverse action was motivated by the protected  
18 activity he engaged in?

19 A Yes.

20 Q And why did you reach that  
21 determination?

22 A There was a nexus between those two.

1 You know, he became ripped -- of course, he had  
2 been, you know, safety advocate for awhile, but  
3 you know, and come to safety concerns, reported  
4 safety hazards, and then he had just been a miners  
5 rep for this very few weeks whenever he was -- and  
6 after coming up and the inspectors coming and him  
7 doing his duties under the representative of  
8 miners, then the next thing happened was he  
9 traveled with the inspectors and whenever they  
10 issued the orders that they issued that shut the  
11 mill down, then, you know, he went on and done his  
12 duties per those representing the miners and check  
13 into it and read his represented miners rights and  
14 miners rights book and found out the miners should  
15 have been paid or compensated for the rest of that  
16 shift and four hours into the next shift. And  
17 when he confronted management about it, from what  
18 I gathered, they were reluctant on paying that,  
19 but -- and like two, three days later he was  
20 terminated. So that's a pretty close proximity.

21 Q After you finished your 105 -- after you  
22 finished your 105(b) investigation into Mr.

1 Baumann's complaint, did the investigation go to  
2 another department of MSHA?

3 A It does.

4 Q Where does it go?

5 A It goes to our technical investigative  
6 compliance division, and there -- that's in  
7 Arlington, and then there it is analyzed by  
8 another set of individuals that they pick it apart  
9 and look at it and analyze it, and you know, they  
10 do what they do.

11 Q And then do you have an understanding as  
12 to where it goes from the technical center?

13 A It then it goes in MSHA's solicitor's  
14 office.

15 Q And do these other entities continue the  
16 secretary's investigation?

17 A Yes.

18 MS. O'REILLY: I have a few MSHA, like,  
19 records and documents I was going to try to get  
20 admitted, either through this witness or I can  
21 just kind of explain them. For example, Exhibit  
22 P42 they signed memorandum listing just the

1 penalty in this case from MSHA.

2 JUDGE MORAN: This is a regularly kept  
3 business record?

4 MS. O'REILLY: Yes.

5 JUDGE MORAN: So that's one. P42? Do  
6 you have an objection to P42, Mr. Tidaback?

7 MR. TIDABACK: No.

8 JUDGE MORAN: P42 is admitted.

9 (Complainant's Exhibit P-42 was  
10 marked for identification and  
11 received in evidence.)

12 MS. O'REILLY: And then --

13 JUDGE MORAN: You have some others.  
14 Right?

15 MS. O'REILLY: Yes.

16 JUDGE MORAN: Go ahead.

17 MS. O'REILLY: So next is Exhibit P22,  
18 and this is a --

19 JUDGE MORAN: P22?

20 MS. O'REILLY: Yes. P22.

21 JUDGE MORAN: So this doesn't involve  
22 you, Mr. Dillingham. This is in the nature of

1 admitting regularly kept business records, so go  
2 ahead.

3 MS. O'REILLY: Yeah. Exhibit P22 I  
4 would argue is a self-authenticating as well.  
5 It's certified on the last page by Caroline  
6 Fetters, the assessed violation history for the  
7 mine.

8 JUDGE MORAN: Two year violation  
9 history?

10 MS. O'REILLY: Yes. So I move to admit  
11 Exhibit P22.

12 JUDGE MORAN: Any objection to P22?

13 MR. TIDABACK: No.

14 JUDGE MORAN: P22 is admitted.

15 (Complainant's Exhibit P-22 was  
16 marked for identification and  
17 received in evidence.)

18 MS. O'REILLY: Then I would also move to  
19 admit Exhibits P19 and P20. These both come from  
20 the mine data retrieval system we talked about  
21 previously. It's a publicly available document  
22 that MSHA maintains on mines and it just contains

1 information about the mine with regard to the size  
2 of the mine and the penalty factors.

3 JUDGE MORAN: I need those numbers  
4 again, please.

5 MS. O'REILLY: P19 and P20.

6 JUDGE MORAN: P19 just being a one page  
7 document?

8 MS. O'REILLY: Yes. Correct.

9 JUDGE MORAN: And tell me what that  
10 document is again?

11 MS. O'REILLY: It's from the mine data  
12 retrieval system and just tells the production  
13 hours, as far as for penalty factors, you know,  
14 the size of the mine and what production is.

15 JUDGE MORAN: I see.

16 MS. O'REILLY: Getting it in for that  
17 purpose.

18 JUDGE MORAN: I see. Any objection to  
19 P19, Mr. Tidaback?

20 MR. TIDABACK: No.

21 JUDGE MORAN: P19 is admitted.

22 (Complainant's Exhibit P-19 was



1                   marked for identification and  
2                   received in evidence.)

3                   MS. O'REILLY: P20 is the same thing,  
4                   except it just goes over the more citation  
5                   history, but it's from the mine data retrieval  
6                   system as well.

7                   JUDGE MORAN: You mean it's a  
8                   continuation --

9                   MS. O'REILLY: No. It's just another  
10                  document from the mine data retrieval data system.

11                  JUDGE MORAN: Okay. How does this  
12                  inform me?

13                  MS. O'REILLY: This just lists the  
14                  different inspections and then citations at the  
15                  mine we've been talking about, inspections,  
16                  citations. It's just more of an official record  
17                  that these were taking place and the dates of  
18                  those. So it shows, you know, in the year 2023,  
19                  2022, the citations on the mine.

20                  JUDGE MORAN: I see it's data including  
21                  the number of, for example, in the top line that  
22                  there were the 104(a) citations issued in 2023.

1 MS. O'REILLY: Correct.

2 JUDGE MORAN: And it lists the other  
3 types of violations or orders.

4 MS. O'REILLY: Correct.

5 JUDGE MORAN: All right. Any objection  
6 to P20? P20 is admitted.

7 (Complainant's Exhibit P-20 was  
8 marked for identification and  
9 received in evidence.)

10 MS. O'REILLY: And then P23 is a  
11 document. It's more information that is in the  
12 penalty assessment comes from, as far as the size  
13 of the mine and the history of the mine, so it's  
14 just an MSHA report maintained about the mine and  
15 violations at the mine throughout its history.

16 JUDGE MORAN: All right. Any objection  
17 to P23?

18 MR. TIDABACK: Just trying to figure out  
19 how this deals with Mr. Baumann's termination,  
20 Your Honor.

21 JUDGE MORAN: I could answer that but  
22 it's not for me to do that. Go ahead, Ms.

1 O'Reilly.

2 MS. O'REILLY: For the penalty factors  
3 the Court has to determine the size of the mine,  
4 the past history. I'm just getting these in for  
5 the Court's reference when he makes that  
6 determination.

7 MR. TIDABACK: No objection.

8 JUDGE MORAN: Okay. Thank you. P23 is  
9 now admitted.

10 (Complainant's Exhibit P-23 was  
11 marked for identification and  
12 received in evidence.)

13 MS. O'REILLY: And I have no further  
14 questions at this time for this witness.

15 JUDGE MORAN: Okay. Are you ready to  
16 cross examine Mr. Dillingham?

17 MR. TIDABACK: Yes.

18 JUDGE MORAN: Okay. Thank you. Ms.  
19 Blackerby, how are you doing?

20 COURT REPORTER: I'm doing fine.

21 JUDGE MORAN: Thank you. Do you need a  
22 break?

1 COURT REPORTER: No, I'm good.

2 CROSS-EXAMINATION

3 BY MR. TIDABACK:

4 Q Mr. Dillingham, on Exhibit P16,  
5 hopefully you're still turned to that page. I  
6 know it's pretty big.

7 JUDGE MORAN: P16?

8 MR. TIDABACK: P16. Yes, Your Honor.

9 JUDGE MORAN: Okay. Tell us when you're  
10 there.

11 THE WITNESS: Okay.

12 BY MR. TIDABACK:

13 Q Do you recall reading the last paragraph  
14 of the progressive disciplinary hearing paragraph?

15 A I read all this, all these documents  
16 here.

17 Q If you wouldn't mind --

18 JUDGE MORAN: Well, do you want him to  
19 read from your disciplinary procedure, handbook of  
20 -- your employees handbook, do you want him to  
21 read from that?

22 MR. TIDABACK: I'm asking did he read

1 the last paragraph since the Secretary asked him  
2 before about the three steps, did he read the  
3 entire progressive disciplinary paragraph.

4 JUDGE MORAN: Did you read the entire  
5 part of this, on Page 43, I believe it is. Is  
6 that right, Page 43?

7 MR. TIDABACK: Yes, Your Honor.

8 JUDGE MORAN: I don't mean right now.  
9 At some point during your investigation.

10 THE WITNESS: I read this whole policy  
11 here.

12 BY MR. TIDABACK:

13 Q Okay. So in this instance, at the  
14 bottom. The last sentence of that section, do you  
15 agree that it states, "For serious offenses we may  
16 terminate you without warning"?

17 MS. O'REILLY: I would object, it's not  
18 a direct quote, but.

19 JUDGE MORAN: You're paraphrasing what's  
20 in there.

21 MR. TIDABACK: The last sentence, Your  
22 Honor. Yeah, for serious offenses -- I'm sorry.

1 For serious offenses --

2 JUDGE MORAN: Then there's an example.

3 Sexual harassment, we may terminate you without  
4 warning. Do you agree that's in there as part of  
5 the progressive discipline, Inspector Dillingham?

6 THE WITNESS: Yes, I understand that.

7 BY MR. TIDABACK:

8 Q Okay. So how do you document your  
9 findings during the inspection and any official  
10 communication with us? You have all those  
11 records. Like you said it goes into your files?

12 A How do we document what I get from you?

13 Q Yes.

14 A We keep it. I've got a case file. We  
15 created a case file. We start from the beginning  
16 and it's tabbed just like these books are.

17 Q Correct.

18 A And we -- it goes in a sequential order  
19 and we keep everything in order, and we keep that.  
20 That's confidential.

21 Q Thank you. Did you have any  
22 interactions with the Claimant prior to your

1 investigation?

2 A No.

3 Q Okay. Have you had any interactions  
4 with the Claimant after hours or off site prior to  
5 the Claimant's discrimination filing?

6 A Say that one more time.

7 Q Have you had interactions with the  
8 Claimant after hours or off site prior to  
9 Claimant's discrimination filing?

10 A The only time, I guess I could say this,  
11 are you talking about Mr. Baumann?

12 Q Yes, sir.

13 A When I done the interview for Mr.  
14 Baumann, he, of course, and I'm going to kind of  
15 get into this here. I met him off site. I didn't  
16 meet him at an MSHA office or my hotel or  
17 something. We met away from, I mean in another  
18 location. So I don't know if that's what you're  
19 meaning, but we didn't hang out, went to the bar,  
20 but you know.

21 Q Prior to his -- prior to the Claimant's  
22 discrimination filing did you have any

1 communications with Mr. Baumann?

2 A Not that I know of.

3 Q If you did, would you record it as  
4 official communications in your inspection report?

5 MS. O'REILLY: Objection, it calls for  
6 speculation. He's already answered that he did  
7 not.

8 JUDGE MORAN: I sustain the objection.

9 BY MR. TIDABACK:

10 Q Fair enough. Okay. Have you ever  
11 expressed opinions about our company or its  
12 practices either publicly or privately outside of  
13 your official reports?

14 A I don't know exactly how. We talked to  
15 our supervisors. I mean, yeah, I've talked to a  
16 few people within MSHA we talked because I also  
17 have a 110 investigation that's going right now,  
18 so.

19 JUDGE MORAN: Okay. We don't want to go  
20 -- that's probably my case, or if it comes to  
21 pass.

22 THE WITNESS: Yeah, I do talk to



1 different people.

2 BY MR. TIDABACK:

3 Q So you talk to the -- you do talk to the  
4 inspectors, the MSHA inspectors that have visited  
5 our site about this case?

6 MS. O'REILLY: I'll object. It's the  
7 process. He's kind of towing the line of talking  
8 about internal workings of the agency and internal  
9 deliberations in reaching determinations. I will  
10 represent just for the record, Mr. Dillingham was  
11 involved in another 105(b) investigation with this  
12 mine and a 110(c) investigation, so I think we can  
13 stipulate that he's involved in a variety of cases  
14 with this mine. I don't know how that's relevant  
15 to this case, though.

16 JUDGE MORAN: And I agree on several  
17 points that you just made, including your  
18 reference to deliberative process. That's a  
19 privilege. Meaning it's an area that it can be  
20 disclosed, and the idea behind that is that if you  
21 were to not have a deliberative privilege, people  
22 would be hesitant to speak freely about matters

1     that they're looking at. So for those reasons  
2     those conversations are not something that can be  
3     closed or discussed.

4             MR. TIDABACK: The question was about  
5     opinions. Not factual information.

6             MS. O'REILLY: That's precisely what the  
7     privilege is for. It's to allow for open and free  
8     communication among MSHA personnel about  
9     investigations that are ongoing or that are  
10    completed.

11            JUDGE MORAN: Yes. I sustain the  
12    objection from the Secretary.

13            MR. TIDABACK: Okay.

14            THE WITNESS: Can I clear something up?

15            JUDGE MORAN: No.

16            THE WITNESS: Okay.

17            JUDGE MORAN: Because we can't have  
18    witnesses volunteering information. Not to be  
19    rude to you, it's just that we have to have the  
20    same rules apply in this proceeding and in all  
21    proceedings, so uniformly to the witnesses.

22            THE WITNESS: That's what was going to

1 explain how our system works.

2 MS. O'REILLY: We're saying we shouldn't  
3 explain how our process works, due to the  
4 deliberative process privilege. So be careful as  
5 to revealing internal workings, internal  
6 conversations, we would object to that.

7 JUDGE MORAN: What I said, don't  
8 volunteer things. Listen to questions asked and  
9 answer, as best you can, without going afield, or  
10 afield from the question itself. Focus on the  
11 question. All right? Go ahead, sir.

12 BY MR. TIDABACK:

13 Q In the statement, mine operator  
14 statement you received from us.

15 A Yes.

16 Q With reading that, did you have  
17 additional questions?

18 A I think we -- I had questions and we'd  
19 try to clarify things, because I didn't receive  
20 what I asked for.

21 Q Did you -- did you follow up and ask  
22 those questions?

1           A       I asked for additional -- I asked for  
2       that, what we asked for initially be fulfilled,  
3       because that was something that we, you know,  
4       under 103, you know, we have that right.

5           Q       But those questions specifically that  
6       you had, did you speak to Mr. Spears, myself or  
7       Jordan?

8           A       No.

9           MR. TIDABACK:   That's all my questions.

10          JUDGE MORAN:   Okay.   Any questions?

11          MS. O'REILLY:   No more questions, Your  
12       Honor, for this witness.

13          JUDGE MORAN:   Okay.   Thank you, Mr.  
14       Dillingham, for your testimony, sir, and of  
15       course, you'll be staying in the courtroom because  
16       you're the MSHA representative.

17          MS. O'REILLY:   And the Secretary is  
18       going to call Mr. Keith Markeson.

19          JUDGE MORAN:   Okay.

20          MR. TIDABACK:   I object, Your Honor, to  
21       the witness.

22          JUDGE MORAN:   We're going -- you can

1 object once I swear him in. I'll listen to your  
2 objection.

3 MR. TIDABACK: Yes, Your Honor.

4 THE WITNESS: Thank you, Your Honor.

5 JUDGE MORAN: Thank you, Doc Dillingham.

6 Okay. Court Reporter, can you hear me?

7 COURT REPORTER: Yes, I can.

8 JUDGE MORAN: Do you need a break?

9 COURT REPORTER: No, I'm fine.

10 JUDGE MORAN: I couldn't hear.

11 COURT REPORTER: I'm fine.

12 JUDGE MORAN: You're fine. Okay. I  
13 didn't ask you if you needed a break, did I? I'm  
14 sorry. We could take a minute or two. I don't  
15 have to have somebody in here every second. Are  
16 you concerned about -- we're safe. Okay. So  
17 we'll pause while you will get your relief person  
18 in.

19 (Recess)

20 JUDGE MORAN: We are going to -- I can't  
21 swear you in right now. I guess we can proceed.  
22 The bailiff, the marshal, I'm not sure of his

1 correct title, wants to make sure that there's  
2 someone in here. That's this courtroom's  
3 procedure, but I don't -- I don't see a problem  
4 with us proceeding, so let's do that. Okay. So  
5 I'm Judge Moran. Nice to meet you, and I'm going  
6 to swear you in. Your name is Keith Markeson?

7 THE WITNESS: It is.

8 JUDGE MORAN: Please raise your right  
9 hand, sir.

10 Whereupon,

11 KEITH MARKESON

12 was called as a witness and, having been first  
13 duly sworn, was examined and testified as follows:

14 JUDGE MORAN: Please be seated, and the  
15 protocol is for you to state your name and then  
16 spell it.

17 THE WITNESS: My name is Keith Stephen  
18 Markeson. K-e-i-t-h S-t-e-p-h-e-n  
19 M-a-r-k-e-s-o-n.

20 JUDGE MORAN: And so Mr. Tidaback has an  
21 objection to this witness testifying. Is that  
22 true?

1 MR. TIDABACK: That is correct, Your  
2 Honor.

3 JUDGE MORAN: Okay. And so I would like  
4 you to state the basis of your objection.

5 MR. TIDABACK: There's two of them. The  
6 first one we object to this witness due to his  
7 testimony of not having to do with Rob Baumann's  
8 termination in any way. He's not involved in the  
9 decisionmaking process of that. The second one is  
10 there's an open MSHA case, a complaint case  
11 against Inspector Markeson. We do not have a  
12 conclusion on that, Your Honor.

13 JUDGE MORAN: Okay. Well, taking them  
14 in reverse order. The second issue, you say  
15 there's a complaint that you have filed against  
16 Inspector Markeson?

17 MR. TIDABACK: Yes, Your Honor.

18 JUDGE MORAN: Okay. To limit to the  
19 extent I'll allow you to ask questions on cross  
20 examination that's going to be very limited  
21 because this is in the category, again, of  
22 something being afield from this proceeding, but

1 it is my understanding, you tell me if I'm wrong  
2 about this, that there have been references during  
3 the course of the hearing that American Tripoli  
4 has had issues with this inspector's behavior  
5 during his inspections. Is that true?

6 MR. TIDABACK: That is correct.

7 JUDGE MORAN: That's something that  
8 during cross examination you can ask him about  
9 whether the relationship or whether there was  
10 problems in dealing with one another. You can ask  
11 that, but as to your first point, which was that  
12 you say this individual was not involved in the  
13 decision-making process.

14 MR. TIDABACK: Correct.

15 JUDGE MORAN: None of the witnesses that  
16 have testified have been involved in the  
17 decisionmaking process, if by that you mean that  
18 the decision to terminate.

19 MR. TIDABACK: Sure.

20 JUDGE MORAN: Okay. So this witness, I  
21 haven't yet heard from, Attorney Moll, I assume is  
22 going to testify about, because it's been an



1 issue, about this operation, what he observed and  
2 whether there were problems with compliance,  
3 because his name has been invoked here as being,  
4 perhaps, a contentious inspector. Okay. And so  
5 I'm denying your request that he be precluded from  
6 testifying. You'll have some rights, limited  
7 rights for appropriate questions during cross  
8 examination.

9 Now, do you want to add to anything to  
10 that Attorney Moll?

11 MR. MOLL: Your Honor, I agree with what  
12 you had stated. I'd also like to note for the  
13 record that to my knowledge, there is no active  
14 complaint against Mr. Markeson as well, and Mr.  
15 Markeson will also be testifying regarding his  
16 interactions with Mr. Baumann and his observations  
17 at American Tripoli. So it will be directly  
18 relevant to the issues in this case.

19 JUDGE MORAN: Okay, sir. So on cross  
20 examination you can ask, I'm addressing this for  
21 Mr. Tidaback, you can inquire about whether  
22 there's an active investigation going on against

1    this inspector, and we're not going to get into  
2    the details of that, but he can either confirm  
3    whether there was an active investigation. All  
4    right. You can ask, I guess, another question.  
5    You could ask if there's been any disciplinary  
6    action brought against this inspector for any of  
7    his activities while inspecting at your mine. So  
8    those would be some of the areas that you could  
9    ask about, and those questions would be directed  
10   -- the purpose of such questions would be to  
11   challenge his credibility on his witness -- his  
12   credibility as a witness in this case. All right.  
13   In other words, the suggestion would be that he  
14   has an axe to grind, if there's a contentious  
15   relationship and whether I find that that's true  
16   or not is a different matter. But I'm telling you  
17   about the limited scope of your cross examination  
18   when it comes up of this witness.

19                    Now, Attorney Moll, you seem like a fine  
20   fellow and you're young, which is a great thing.  
21   Wish I could be young again. Not going to happen,  
22   but I want you to confine yourself to speak

1     forcefully, okay. In other words, so we can all  
2     hear you. If you're soft spoken, you're going to  
3     have to urge that soft spoken knob up so that it's  
4     not soft spoken. Will you do that for me?

5                 MR. MOLL: Yes, Your Honor. I don't  
6     think that will be an issue.

7                 JUDGE MORAN: Okay. Good. So begin  
8     with you're questioning of Inspector Markeson.

9                 DIRECT EXAMINATION

10                BY MR. MOLL:

11                Q     Will you please state your name for the  
12     record.

13                A     Keith Stephen Markeson.

14                Q     And where do you currently employed?

15                A     The Mine Safety and Health  
16     Administration, Rolla, Missouri field office.

17                Q     Okay. And what's your current title  
18     with the Mine Safety Health Administration or  
19     MSHA?

20                A     Mine safety and health inspector.

21                Q     And how long have you worked for MSHA?

22                A     Sixteen and a half years.

1 Q What was your job prior to working MSHA?

2 A I was a senior mine geologist for the  
3 Delrin Company.

4 Q And how long were you in that position?

5 A For five years.

6 Q Okay. And so approximately how long  
7 have you worked in the mining industry?

8 A Since the year 2000.

9 Q Okay. Now, as an inspector, what are  
10 your job duties?

11 A Inspect mines for compliance for the 30  
12 CFR and the Federal Mine Safety and Health Act and  
13 the miner act. Conduct accident investigations,  
14 and I am also a member of the national mine rescue  
15 team.

16 Q Did you ever inspect American Tripoli or  
17 the mine known as American Tripoli?

18 A Yes. Many times.

19 Q Okay. Can you briefly describe the  
20 operations occurring at American Tripoli?

21 A They quarry their material over in  
22 Oklahoma. That material is then trucked over to

1 drying sheds on the Missouri side. Dries for a  
2 period of time there, and then it is trucked again  
3 to the plant in Seneca, Missouri, where it is  
4 crushed and ground and sized and then packaged for  
5 sale.

6 Q Okay. And would you inspect the plant  
7 in Seneca, Missouri?

8 A Yes.

9 Q Okay. So during your inspections at  
10 this plant at Seneca, Missouri, did you ever meet  
11 Rob Baumann?

12 A Yes, I did.

13 Q Okay. And approximately how many times  
14 did you interact with him, Mr. Baumann?

15 A Rob accompanied me, or Mr. Baumann,  
16 sorry, Mr. Baumann accompanied me on every  
17 inspection I conducted there, including one  
18 inspection after his termination.

19 Q Okay. And when you say he accompanied  
20 you, what did that entail?

21 A So prior to him being elected as a  
22 miners representative he accompanied me as the

1 company representative. He was the production  
2 supervisor. And then after he was elected as the  
3 miners representative, he accompanied me as the  
4 miners representative.

5 Q And are you familiar with the members of  
6 management at American Tripoli?

7 A I'm familiar with the members of  
8 management that were there when I was there.

9 Q And who would that have been?

10 A John Spears was the operations manager.  
11 Rob Baumann was the production supervisor, and  
12 then Jordan and Russell Tidaback were in the  
13 ownership roles.

14 Q Did you ever meet Russell Tidaback?

15 A Yes. I met him for the first time on  
16 February 27th.

17 Q Okay. And what would --

18 JUDGE MORAN: February 27th of?

19 THE WITNESS: 2023.

20 Q (By Mr. Moll) Okay. And what context  
21 would that have been?

22 A We were at the mine conducting a

1 complaint investigation, and Mr. Tidaback came in  
2 from out of town to participate in that  
3 investigation.

4 Q Okay. And during that time that  
5 Tidaback -- Mr. Tidaback was there, was Mr.  
6 Baumann also there?

7 A Yes, he was.

8 Q Okay. And did Mr. Baumann participate  
9 in an inspection during that time period?

10 A Yes. He accompanied me.

11 Q Okay. And did Mr. Tidaback see Mr.  
12 Baumann participating in that inspection?

13 A I would assume so. He was with us.

14 Q Okay. So both of them were together  
15 with you at the same time. Is that correct?

16 A Actually, it was Mr. Tidaback, Mr.  
17 Baumann and Mr. Spears were all with us.

18 Q Understood. During your interactions  
19 during inspections, what was Mr. Baumann's  
20 attitude like?

21 A He was -- he was a good company  
22 representative. He didn't necessarily elaborate

1 on things, but when I asked him a direct question  
2 he gave me a direct answer. He was very helpful  
3 in explaining how the operation worked so that I  
4 could understand how things proceeded through the  
5 plant. And after his election as a miners  
6 representative he brought other miners' concerns  
7 to me to be addressed during the inspections.

8 Q Okay. And did it seem like Mr. Baumann  
9 had a good grasp on how things worked at the mine?

10 A Yes. Very good. He was the guy who  
11 knew how the plant ran.

12 Q And did it seem like he had, Mr. Baumann  
13 had a good understanding of the safety issues that  
14 might have been present at American Tripoli?

15 A Yes, he did.

16 Q Okay. Did you ever get the feeling that  
17 Mr. Baumann was frustrated with what was going on  
18 at the mine?

19 A Yes. Actually, during the first day  
20 that I traveled with him he brought some concerns  
21 to my attention when we were on the top floor of  
22 the mill building that needed to be addressed.



1           Q     Okay. And why was he frustrated with  
2 those?

3           A     A miner had gotten hurt at the mine. He  
4 had fallen through some floor grating and gotten  
5 hurt, and he didn't want anybody else to get hurt.  
6 And during some of the repairs that were conducted  
7 at the mine, he was directed to leave guards out  
8 of place to get back into production faster, and  
9 he thought that was a concern that needed to be  
10 addressed.

11          Q     Did Mr. Baumann ever seem frustrated  
12 that he wasn't able to fix some of the safety  
13 issues that were presented at the mine?

14          A     Yes. Definitely.

15          Q     Okay. And could you explain a little  
16 bit more about that?

17          A     He told me that he wanted to fix them,  
18 but they had trouble with their maintenance men.  
19 They had gone through several maintenance people,  
20 and also, that his supervisor, John Spears, would  
21 not allow him to take -- shut the plant down long  
22 enough to fix some of the issues.

1           Q     Okay. So did you -- did you get a sense  
2     that Mr. Baumann was trying his best to get things  
3     fixed but was unable to do so?

4           A     Yes. That was my impression.

5           Q     Okay. And I think you mentioned earlier  
6     that Mr. Baumann was the miners rep. Could you  
7     expand a little bit more about how that came to  
8     be?

9           A     So during the normal course of my  
10    inspections we talk about miners rights as we're  
11    talking to the miners, and one of the things I  
12    brought up in their break room one day while they  
13    were all in there was that if they chose to do so,  
14    they could elect a miners representative, which  
15    would be a person to accompany MSHA, that would  
16    also have the right to accompany us, and that they  
17    could conference citations, just like the mine  
18    operator. They could request inspections, just  
19    like the mine operator. And if they chose to do  
20    so, to let me know and I would get them what they  
21    needed, the paperwork they needed. And I think  
22    shortly thereafter I provided them with the paper,

1 the election paperwork.

2 Q Okay. And so you provided Mr. Baumann  
3 with the paperwork necessary to become a miners  
4 representative?

5 A Yes.

6 Q Okay. And did he then become elected to  
7 become a miners representative?

8 A Yes. On the -- on March 21st of 2023 he  
9 was elected.

10 Q Okay. And after that happened, what did  
11 you do?

12 A So right at the beginning of that day of  
13 inspection on the 21st I met with Mr. Baumann. He  
14 told me that he had been elected as the miners  
15 representative. I looked at -- he gave me the  
16 form. I looked at it. The miners that elected  
17 him were present. I asked them to confirm that  
18 they had indeed elected him as the miners  
19 representative. They confirmed that they did.

20 I then paused the inspection, went into  
21 the main office, and explained to Mr. Spears that  
22 they now had a miners representative that had the

1 authority -- that had the right to accompany us  
2 during our inspections. They also had the right  
3 to conference citations, sit in on a close outs,  
4 that type of thing. And I showed Mr. Spears the  
5 top half of the election form that showed that Mr.  
6 Baumann was elected. I covered the bottom half,  
7 because the miners that elected him elected --  
8 wanted to remain confidential.

9 Q Okay. And so Mr. Spears knew that Mr.  
10 Baumann was the miners rep after that  
11 conversation. Is that correct?

12 A Yes.

13 Q Okay. And you say you kept the bottom  
14 half of the sheet with the names of the people who  
15 elected Mr. Baumann miners rep confidential. Is  
16 that standard practice to keep those names  
17 confidential?

18 A There's a check box on the form that  
19 says whether they want to remain confidential or  
20 not. If they check that box, we do not disclose  
21 who elected them. If they don't check the box,  
22 then they didn't want to remain confidential and

1 it's not an issue.

2 Q So would you do that in every instance  
3 with every mine where they -- check the box that  
4 they want to remain confidential, you would keep  
5 them confidential?

6 A Oh, yes. Definitely. We're required  
7 to.

8 Q Did you, during your inspections, did  
9 you ever speak or interact with any other  
10 employees at the mine or any miners at the mine?

11 A Yes. All of them. I talked to  
12 everybody that worked there.

13 Q Okay. And did any of those miners seem  
14 concerned or nervous about safety at the mine?

15 A Yes. There were -- there were four  
16 miners that worked at the mine that were concerned  
17 with the safety. The fifth miner just really  
18 didn't talk much.

19 Q And what sorts of safety concerns did  
20 they raise?

21 A Dust was a big concern at the mine.  
22 Them being exposed to a lot of dust without proper

1 protection. Guards being left off, which left  
2 exposed moving machine parts. Some electrical  
3 issues and general condition of walkways and work  
4 areas, whether it be sturdiness of the area or  
5 housekeeping of the areas.

6 Q While you're conducting inspections, did  
7 you ever threaten any miners at the mine?

8 A No.

9 Q Did you ever threaten anyone at the  
10 mine?

11 A No.

12 Q Did you ever see anyone from any other  
13 MSHA inspector threatening anyone at American  
14 Tripoli?

15 A No, I did not.

16 JUDGE MORAN: Just to put a fine point  
17 on that, did you -- I mean, the question was asked  
18 in a broad sense. Did you ever threaten anyone  
19 with American Tripoli, management, and I mean by  
20 that, did you ever threaten or a synonym for  
21 threaten, warn Mr. Tidaback or Jordan Tidaback or  
22 Mr. Spears, did you ever threaten any of those

1 individuals?

2 THE WITNESS: I did not threaten them,  
3 but I have explained the -- because they were new  
4 to MSHA.

5 JUDGE MORAN: Okay.

6 THE WITNESS: And I did explain our  
7 enforcement process. You know, we issue a  
8 citation, we set a termination due date. If no  
9 action is taken to abate it, a (b) order would be  
10 issued. And once an order is issued you can't  
11 work in the face of it. I explained that process  
12 to them, but not directly related to any specific  
13 issue.

14 JUDGE MORAN: Okay. And when you  
15 conveyed this, did you convey it in a threatening  
16 or harsh manner, or alternatively in a matter of  
17 fact informative manner about the process?

18 THE WITNESS: Matter of fact informative  
19 manner, and I actually used the back of our  
20 citation form that explains all of that to  
21 illustrate that process.

22 JUDGE MORAN: Okay. Since I

1 interrupted, let me just interrupt a little  
2 further. And that is, tell me if I have this  
3 correct. I believe you testified earlier that on  
4 each of your inspections Mr. Baumann was there  
5 with you?

6 THE WITNESS: Yes.

7 JUDGE MORAN: So it wasn't asked and I  
8 would like answered is, on the numerous  
9 inspections that you had at this mine where Mr.  
10 Baumann was with you, either as a miners rep or  
11 before he became a miners rep, were there times  
12 when other mine employees, management in  
13 particular I'm asking about how, it was a long  
14 question, were in attendance with you and Mr.  
15 Baumann or was it always, I can simplify it,  
16 during your inspections was it always just the two  
17 of you?

18 THE WITNESS: No. It was -- it was just  
19 the two of us on one or two occasions. But most  
20 of the time we either had Mr. Spears with us or  
21 Mr. Tidaback with us.

22 JUDGE MORAN: Okay. That's what I



1 wanted to know, because you didn't mention that  
2 and it wasn't asked.

3 MR. MOLL: I believe he mentioned  
4 earlier that it was during on one inspection he  
5 had Mr. Tidaback, Mr. Spears and Mr. Baumann all  
6 present at the same time.

7 THE WITNESS: Yes.

8 MR. MOLL: Is that correct?

9 JUDGE MORAN: But it was not uncommon.  
10 It was frequent for Mr. Spears or Mr. Tidaback to  
11 be along with and Mr. Baumann during your  
12 inspections. Is that true?

13 THE WITNESS: Yes.

14 JUDGE MORAN: Okay. Go ahead, Attorney  
15 Moll.

16 THE WITNESS: Can I add one more thing?

17 JUDGE MORAN: Sure.

18 THE WITNESS: When you had talked about  
19 the threatening, warning.

20 JUDGE MORAN: Yes.

21 THE WITNESS: Another thing was whenever  
22 we issue 104(d) citations or orders, we're

1 required to notify them that a special assessment  
2 review and a possible knowing and willful review  
3 will be conducted. So, of course, I notified them  
4 of that during the close out, during those  
5 inspections as well.

6 JUDGE MORAN: Okay. And you say you're  
7 required to. You mean that is what you are  
8 trained to do when a 104(d)(1) citation or order  
9 is issued, you are to advise the mine operator  
10 getting that piece of paper about the special  
11 assessment may be involved?

12 THE WITNESS: And the possible knowing  
13 and willful, yes.

14 JUDGE MORAN: Okay. Then you have to do  
15 that in every instance. Not just for this mine.

16 THE WITNESS: Every place we issue  
17 those, yes.

18 JUDGE MORAN: Okay. Go ahead, Attorney  
19 Moll.

20 MR. MOLL: Thank you, Your Honor.

21 BY MR. MOLL:

22 Q During your inspections was there ever

1 another inspector present with you?

2 A There was always another inspector  
3 present with me when I was at American Tripoli.

4 JUDGE MORAN: Oh, really? Okay.

5 BY MR. MOLL:

6 Q And during that time, at least in 2022  
7 and 2023 specifically, which inspectors would have  
8 been present with you?

9 A Dave Pruitt was present with me during  
10 the complaint investigation that went February,  
11 kind of through April. Randy Hill, supervisory  
12 mine safety health inspector Sean Pratt, district  
13 managers Tony Sims accompanied me, and then there  
14 were two inspector trainees that -- three  
15 inspector trainees that accompanied me on three  
16 separate occasions as well.

17 Q Okay. And did you ever see any of those  
18 individuals threaten anyone at the mine?

19 A No.

20 Q Okay. Did anyone ever -- any of those  
21 individuals ever threaten to call the police or  
22 the U.S. Marshal's during that time?

1           A       No.

2           Q       And you mentioned earlier that it seemed  
3       like management was unfamiliar with MSHA. Can you  
4       expand a little bit more on that?

5           A       They were -- when I first arrived at the  
6       mine, I met with John Spears. He was operations  
7       manager and he kind of expressed to me and Dave  
8       Pruitt, who was with me, that they were under new  
9       ownership. The new owner had never owned an MSHA  
10      regulated property before, and I kind of, as I  
11      started that inspection, I took extra effort to  
12      try and explain everything I was doing so that  
13      they could get a handle on how the MSHA regulation  
14      process worked.

15          Q       During your time inspecting American  
16      Tripoli during 2022 or 2023, did you ever hear  
17      from any of the miners that they had been told not  
18      to speak with MSHA?

19          A       Shortly after I started that inspection  
20      in February of 2023 three miners told me that they  
21      were not supposed to talk to MSHA, and two of them  
22      showed me text messages or Teams chats on their

1 phones that indicated that.

2 Q Okay. And did you see the specific text  
3 messages that stated that they weren't allowed to  
4 talk with MSHA?

5 A Yes.

6 Q And was it your understanding that the  
7 -- those individuals that you spoke with, they  
8 understood those text messages to mean that they  
9 should not interact with you or any other  
10 inspector for MSHA?

11 A That's how they understood it.

12 Q Okay. Did you find American Tripoli to  
13 be different or did it stand out from any of the  
14 other mines that you inspected in your time with  
15 MSHA?

16 A During 2022, 2023?

17 Q Or any -- any of the times that you had  
18 been an inspector.

19 A I mean, American Tripoli is unique  
20 because they have a unique product. That's --  
21 they're the only mine in Missouri I know that has  
22 that product, so their processing equipment is an

1 little different to deal with that product. It's  
2 an old plant, so maintenance is -- there's a lot  
3 of maintenance in the plant. When I inspected  
4 them years ago it was always a very clean place,  
5 well maintained, and the impression I got in  
6 February and onward in 2023 was that it was  
7 lacking in upkeep.

8 Q Okay. And when you mention that you had  
9 inspected them years ago, was that under different  
10 ownership than the present ownership?

11 A Yes. It was under two different  
12 previous owners.

13 Q Okay. And so whenever you're talking  
14 about the times that you inspected in 2022 and  
15 '23, under the ownership, is it your understanding  
16 that when it was under the ownership of Mr.  
17 Russell Tidaback?

18 A Yes.

19 Q And could you explain a little bit some  
20 of the differences that you observed based on your  
21 experience between the mine under previous  
22 ownership as compared to its ownership with Mr.

1 Tidaback?

2 A One of the biggest things was guards not  
3 being in place. There were a lot of guards that  
4 weren't -- that had been replaced. They were  
5 there. They were sitting next to the equipment.  
6 They just weren't back on the equipment. Another  
7 thing I noticed because it's always an issue there  
8 that the dust collection at the mine was not  
9 clearly what it used to be. Also, miners were  
10 doing a lot more manual work, cleanup and  
11 packaging than then they used to. They used to  
12 have an automated system for bagging product and  
13 stuff like that, and that kind of kept the miners  
14 away from the dust.

15 Q Okay. Now, during your inspections in  
16 2022 and 2023 did you find that the management at  
17 American Tripoli, and by management I'm referring  
18 to Mr. Tidaback, Ms. Tidaback and Mr. Spears, did  
19 you find that they were resistant to making  
20 changes that you suggested?

21 A If we wrote a citation they would fix  
22 it. However, just general suggestions we made for

1 improvements were never acted upon.

2 Q And were there times -- were there times  
3 during that inspection, in 2022 and 2023, where  
4 you issued a citation or made a suggestion  
5 regarding a specific condition that was existing  
6 and you came back at a later date and that  
7 condition had not been corrected?

8 A Yes. There were -- there were some (b)  
9 orders issued.

10 Q And what were those (b) orders for?

11 A The biggest thing that comes to mind is  
12 there was a dust citation issued on, what was it,  
13 March 30th, 2023 for overexposure to dust. I had  
14 sampled all the miners that worked -- that were  
15 working that day at the plant, and they were all  
16 overexposed. Four of them were overexposures that  
17 was citable. One was an overexposure that was not  
18 citable. I set the termination due date for April  
19 7th, which was a week later, which is standard  
20 because none of the miners had been enrolled in a  
21 respiratory protection program, and normally when  
22 we cite dust that doesn't have a respiratory



1 program, we give them a week to get that program  
2 in place, get the miners wearing respirators, fit  
3 tested, that type of thing.

4 And then I returned to the mine on April  
5 12th, so the termination due you was on the 7th.  
6 I came back the following Wednesday on April 12th  
7 and no action had been taken. Respirators hadn't  
8 been ordered. The respiratory protection program  
9 hadn't been put into place. Miners hadn't been  
10 fit tested or medically evaluated. Nothing had  
11 been done yet.

12 Q And I'm going to go ahead and direct  
13 your attention to what's been marked as Exhibit  
14 P21.

15 A Okay.

16 JUDGE MORAN: P21?

17 THE WITNESS: I assume that's Tab 1 in  
18 the book here. Right?

19 BY MR. MOLL:

20 Q Yes.

21 A Yes. I'm looking at it.

22 Q That's Volume 1 that you have got.

1 That's Volume 1?

2 A Yes.

3 Q All right.

4 JUDGE MORAN: So help me out with this  
5 Secretary. I have through P21. Does that mean we  
6 didn't admit this yet?

7 MS. SMITH: Your Honor, I think we did  
8 admit it yesterday during Mr. Baumann's testimony,  
9 but I didn't --

10 JUDGE MORAN: Thank you.

11 BY MR. MOLL:

12 Q And, Mr. Markeson, do you recognize this  
13 document?

14 A Yes.

15 Q Okay. And what is this?

16 A It's a report generated from our Mine  
17 Safety Information system, our computer system  
18 that lists events that took place at American  
19 Tripoli's mine ID 2300504.

20 Q And you know it's American Tripoli  
21 because of the mine ID. Is that correct?

22 A Yes.

1           Q     So do you recognize any of these event  
2 numbers as inspections you would have participated  
3 in?

4           A     Yes. So a little past midway down the  
5 page, 7029430, that hazard complaint, I  
6 participated in that one.

7           Q     Okay.

8           A     And then 7027977 was a follow-up  
9 inspection that I was there for which is right  
10 above it.

11          Q     And was that follow-up inspection the  
12 one that you would have mentioned earlier  
13 regarding the dust?

14          A     Yes. Yes. And then 7027994 is one of  
15 mine. 7027998 is one of mine.

16          Q     Okay.

17          A     Those two. 702799 something was my  
18 series of event numbers at that time.

19          Q     Okay. So safe to say you participated  
20 -- participated in a number of these inspections  
21 listed on this page. Is that correct?

22          A     Yes.

1           Q     Okay. And in looking at this inspection  
2     event number 7029430, if you look at the  
3     inspection began date, and it lists, it looks  
4     like, February 13th, 2023, and then the inspection  
5     date is April 10th, 2023. Are those -- is this  
6     accurate that the inspection lasted for that  
7     period of time?

8           A     Yes.

9           Q     Okay. And why was that?

10          A     It was a complaint investigation with  
11     multiple allegations. One of the allegations was  
12     regarding dust exposure to the miners. So to  
13     investigate that allegation we had to do a dust  
14     sample at the mine, and for us to do the dust  
15     sample the plant had to be running. So it just  
16     took that long to get the plant into shape and up  
17     and running where we could actually run a dust  
18     sample.

19          Q     And so would you be looking at the mine  
20     every day during those dates?

21          A     No. It was on and off.

22          Q     So approximately how on -- like how

1 often would MSHA have been out there during that  
2 inspection?

3 A I wouldn't say we were there every week,  
4 but probably every other week on an average.

5 Q Okay. And is it usual for an inspection  
6 to last for that duration?

7 A Not at an operation this size.

8 Q And so why was it necessary for it to  
9 last that long?

10 A Well, as you can see from the number of  
11 citations and orders issued on that report, there  
12 was a lot of issues that needed to be repaired or  
13 corrected at the mine, and it just took time to  
14 get all of that done.

15 Q Okay. Moving on to -- what's listed as  
16 Event No. 7027977. Do you see that?

17 A Yes.

18 Q And were you present for that  
19 inspection?

20 A Yes.

21 Q Okay. Do you know if Mr. Baumann  
22 participated in that inspection?

1           A       Yes, he did.

2           Q       Okay. And can you tell us a little bit  
3 more about that.

4           A       That was the follow-up inspection after  
5 the dust citation had been issued. When I  
6 returned to the mine to check on the status,  
7 whether they would gotten all the miners enrolled  
8 in a respiratory protection program, what repairs  
9 had they done to the dust collection systems or  
10 other engineering controls to reduce the dust.

11          Q       Okay. And on that same event number, it  
12 lists over on the right-hand side orders and has  
13 two. Could you describe what those two orders  
14 would have been?

15          A       So there were -- there were two  
16 citations issued for dust overexposure. One for  
17 Mr. Spears as the operations manager. When we  
18 issue dust citations it's by job class, so we  
19 issued -- I had issued one for Mr. Spears as the  
20 operations manager for an overexposure to dust,  
21 and then I had issued another citation with three  
22 people affected for the mill associates who are

1 overexposed to dust. So when no action had been  
2 taken to correct those conditions, there were two  
3 orders that replaced those two citations.

4 Q Okay. And so you did employ sampling  
5 and they tested over the limit that was  
6 permissible. Is that correct?

7 A Yes. Yes.

8 Q Do you know how many employees tested  
9 over the limit?

10 A So, three mill associates tested over  
11 the limit. They were over the limit to the point  
12 that they required an air purifier or respirator  
13 or supplied air respirator. Mr. Spears tested  
14 over the limit. He was exposed to a level that  
15 just required a half mask respirator, and then Mr.  
16 Baumann's sample was overexposed but it couldn't  
17 be quantified because when the lab opened up the  
18 dust cassette it was so full of dust that it fell  
19 off the cassette and they could not get an  
20 accurate weight. So while he was overexposed, we  
21 couldn't quantify it. Therefore, there was no  
22 citation issued.

1 Q Okay. And so for that, was the mine  
2 ever shut down for that?

3 A When those (b) orders were issued, that  
4 shut the mine down.

5 Q And do you know what the date that would  
6 have been?

7 A That was April 12th.

8 Q Okay. And moving on to what's been --  
9 what is shown as event number --

10 JUDGE MORAN: Let me just -- April 12th?

11 THE WITNESS: Of 2023. Sorry.

12 JUDGE MORAN: Thank you.

13 THE WITNESS: My apologies.

14 BY MR. MOLL:

15 Q And so moving on to Event No. 7027975.  
16 Do you recognize that event?

17 A Yes. That was a hazard -- another  
18 hazard complaint made by a miner.

19 Q Okay. So a miner raised this specific  
20 issue and that led to the initiation of this?

21 A Yes. Mr. Baumann raised the issue and  
22 that event was opened to address the complaint he



1 made to me.

2 Q Okay. Nand what would that complaint  
3 have been about?

4 A The complaint was about miners that were  
5 stacking bags of product, and they were -- the  
6 allegation on the complaint was that they were  
7 stacking -- they had to stack bags of product over  
8 eight feet tall, which was over their heads, and  
9 we're talking fifty and hundred pounds bag of  
10 material.

11 JUDGE MORAN: What was the weight.

12 THE WITNESS: Fifty to a hundred pounds  
13 and that would -- obviously would be a safety  
14 concern. However, by the time I arrived at the  
15 mine to investigation the complaint, Mr. Spears  
16 had already changed the procedures and they were  
17 no longer stacking the bags that high.

18 BY MR. MOLL:

19 Q Did Mr. Baumann ever point out any other  
20 issues like that to you?

21 A Not like stand there and point at it.

22 Q Uh-huh.

1           A       But whenever other miners at the mine  
2       would bring him safety concerns, he would -- and I  
3       was there on an inspection, he would say, hey, can  
4       you take a look at -- you know, can you take a  
5       look at this or can you take a look at that.

6           Q       Okay. And did he ever complain about  
7       out or how he did he ever speak to you about any  
8       issues in front of Mr. Spears or Mr. Tidaback?

9           A       No. He was always careful to not talk  
10      in front of them to me.

11          Q       Okay. And you had mentioned earlier  
12      that Mr. Spears was sometimes with you during  
13      inspections. Did it ever seem like Mr. Spears was  
14      communicating with Mr. Tidaback about what was  
15      going on during the inspection?

16          A       He would occasionally call or message  
17      Mr. Tidaback just to update him, I believe, you on  
18      how the inspection was going.

19          Q       Okay. And how do you know that?

20          A       Well, one time when he was calling he  
21      was standing by me and I could hear Mr. Tidaback  
22      on the other end of the phone, and then at other

1 times when I'd stop in to Mr. Spears' office to  
2 deliver citations or whatever, he was on the Teams  
3 chat.

4 Q Okay. And during your inspections, I  
5 think you had mentioned you had interacted with  
6 some of the other miners at American Tripoli.  
7 Just, in general, what were your interactions like  
8 with those employees?

9 A Just as standard procedure when we're  
10 doing an inspection we talk to the miners to find  
11 out if they have any concerns, you know, pass on  
12 safety inspection that we have. So it was kind of  
13 just general safety mining chitchat. Sometimes  
14 they would bring up issues that they had at the  
15 mine, and I would let them know if I had found  
16 those same issue and issue citations on it, and I  
17 would update them on how the inspection was going.  
18 You know, how many things this had been issued,  
19 whether things were getting fixed. Just kind of  
20 to keep them in the loop.

21 Q And during that time did you ever  
22 threaten any of those employees?

1           A     No. I think I had a pretty good  
2 relationship to them, because we talked quite a  
3 bit.

4           Q     Did you ever raise your voice at them?

5           A     No.

6           Q     Okay. So overall you had generally  
7 positive interactions with the miners at American  
8 Tripoli. Is that correct?

9           A     Yes.

10          Q     I'll go ahead and show you what's been  
11 marked as Exhibit P24.

12                JUDGE MORAN: Am I right, this one has  
13 not been admitted?

14                MR. MOLL: Correct, Your Honor.

15                JUDGE MORAN: Are you on P24, Inspector?

16                THE WITNESS: I am.

17                BY MR. MOLL:

18          Q     Do you recognize what this document is?

19          A     Yes.

20          Q     And can you describe what it is?

21          A     It is an electronic field note that is  
22 generated by our inspector application system, our

1 computers that we use.

2 Q Okay. And so this is regularly kept and  
3 maintained in the course of MSHA's business. Is  
4 that correct?

5 A Yes. Inspectors have the choice --  
6 currently they have the choice, they can either  
7 take handwritten notes or electronic notes in this  
8 form.

9 MR. MOLL: Okay. And I would go ahead  
10 and move to admit this exhibit.

11 JUDGE MORAN: This is a document you  
12 created, sir?

13 THE WITNESS: No, this is not. This  
14 would be -- I'm looking to see if there's a number  
15 or a name on it. 11-18-22. This would be Mike  
16 Van Dorn's field note.

17 MR. MOLL: I admit on the basis that  
18 this is kept and maintained in the MSHA's regular  
19 course of business.

20 JUDGE MORAN: But not through this -- I  
21 don't think it's appropriate for me to, based on  
22 this witness' testimony, to admit this exhibit. I

1 don't see how I get there without telling me that  
2 you got this from the custodian of records or you  
3 have the witness who made these notes. I can't  
4 admit these general field notes. This is not  
5 something this witness created.

6 MR. MOLL: Mr. Markeson can verify that  
7 this is something that's regularly kept by MSHA as  
8 kind of a standard business record.

9 JUDGE MORAN: Well, I'm not going to  
10 allow that exhibit at this point. So P24 is not  
11 admitted as of now.

12 MR. MOLL: Just if I understand your  
13 ruling on it, this is a retired inspector, so we  
14 wouldn't have --

15 JUDGE MORAN: I can't help that.

16 MR. MOLL: Thank you, Your Honor.

17 JUDGE MORAN: Just for the record, I am  
18 noting that I am disallowing admission of P24,  
19 which is a one page exhibit. Okay.

20 MR. MOLL: I'm going to go ahead and  
21 move on to what's has been marked as Exhibit P25.

22 JUDGE MORAN: Okay. Inspector Markeson,

1 are you on P25?

2 THE WITNESS: I am on P25.

3 JUDGE MORAN: Go ahead, Attorney Moll.

4 MR. MOLL: Thank you, Your Honor.

5 BY MR. MOLL:

6 Q Mr. Markeson, do you recognize this  
7 document?

8 A Yes. This is -- this is one of my field  
9 notes, and it's the one that I -- I put Rob  
10 Baumann and Jesse Molesi's names on the wrong  
11 lines. Rob is supposed to be the miners and Jesse  
12 Molesi was the company rep during these  
13 inspections.

14 Q This would be pages from an  
15 investigation file?

16 A This is from 7-7. This would be from  
17 the compliance follow-up inspection.

18 Q Okay. And -- but this is notes relating  
19 to an inspection that you participated in?

20 A Yes, it is. These are my notes.

21 MR. MOLL: Okay. I would go ahead and  
22 move to admit Exhibit P25.

1 JUDGE MORAN: Exhibit P25 --

2 MR. MOLL: Yes.

3 JUDGE MORAN: -- which consists of?

4 MR. MOLL: Notes of an inspection file.

5 JUDGE MORAN: Four pages. Right? Four  
6 Pages.

7 MR. MOLL: Yes.

8 JUDGE MORAN: Do you have any objection  
9 to the admission of P25?

10 MR. TIDABACK: It's actually incorrect,  
11 the way Mr. Markeson just pointed out. Molesi was  
12 never a miners rep.

13 JUDGE MORAN: Okay. You can deal with  
14 that on cross examination. So P25 is admitted.

15 (Complainant's Exhibit P-25 was  
16 marked for identification and  
17 received in evidence.)

18 BY MR. MOLL:

19 Q And so, Mr. Markeson, I think you  
20 clarified that you might have switched the lines  
21 here on this Page 1, about miners rep and company  
22 rep. Is that correct?



1           A       Yeah. Yeah. On Page 1 I just put them  
2       on the wrong lines. On the next page, which is  
3       also Page 1 for the next or the 17th, you can see  
4       where Rob Baumann is listed as the miners rep and  
5       John Spears and Jesse Molesi are the company  
6       representatives.

7           Q       So it was your understanding that Mr.  
8       Baumann was the miners rep at this time. Is that  
9       correct?

10          A       Yes.

11          Q       And looking at -- looking at Page 2 of  
12       Exhibit P25. You see where it says accompanied?

13          A       Yes.

14          Q       And then down here where it says company  
15       rep, John Spears and miners rep, Rob Baumann. Do  
16       you see that?

17          A       Yes.

18          Q       Does that mean that Rob Baumann would  
19       have walked around with you during that particular  
20       inspection?

21          A       Yes, he did.

22          Q       Okay. And would Mr. Spears have also

1 walked around with you during that inspection?

2 A Yes.

3 Q Okay. And moving on to Page 4 of that  
4 same exhibit. Do you see where it says work  
5 begins with delivered orders?

6 A Yes.

7 Q And you -- and then it follows to review  
8 all orders and explain that closed tags can be  
9 removed. Do you see that line?

10 A Yes, I do.

11 Q And could you explain a little bit more  
12 about what that describes?

13 A So this is -- this was the closeout note  
14 from when the BRs were issued, closed tags were  
15 affixed to certain breakers at the plant  
16 effectively shutting the plant down. This is  
17 where I explained to Jesse Molesi, as the company  
18 representative, and Rob Baumann as miners  
19 representative, that those closed tags could only  
20 be removed by an authorized member of the  
21 Secretary of Labor. It would be removed once the  
22 -- once all miners were enrolled in respirator

1 protection program and provided with appropriate  
2 respirators. I also reviewed Section 111 of the  
3 Mine Act, which is an entitlement of pay for  
4 miners when MSHA has them shut down with an order.

5 Q Okay. And would that have been during  
6 that same April 12th, '21 period date?

7 A Yes.

8 Q And that would have related to those (b)  
9 orders when the mine was shut down?

10 A Correct.

11 Q Okay.

12 JUDGE MORAN: Okay. So I want to  
13 interrupt to alert both sides that it's 4:39 so we  
14 have six more minutes before today's proceeding  
15 will come to a close.

16 MR. MOLL: I'll just say that I have a  
17 few questions left to that wrap up this.

18 JUDGE MORAN: Okay.

19 BY MR. MOLL:

20 Q I'm going go ahead and move to what's  
21 been marked as Exhibit P26.

22 JUDGE MORAN: Did you move for the

1 admission of P25?

2 MR. MOLL: Yes. I believe it's  
3 admitted.

4 MS. SMITH: Yes. It was admitted over  
5 objection.

6 JUDGE MORAN: Thank you.

7 THE WITNESS: I am on P26.

8 BY MR. MOLL:

9 Q Okay. Mr. Markeson, do you recognize  
10 what this document is?

11 A Yes. These are additional inspection  
12 notes from the complaint investigation.

13 Q Okay. And looking at Page 3 of the  
14 exhibit.

15 A Yes.

16 Q Would that be your initials?

17 A Yes, it is.

18 Q Okay. And so you would have  
19 participated in this inspection. Is that correct?

20 A I did. Correct.

21 Q And these are your notes. Is that  
22 correct?

1           A       They are.

2                   MR. MOLL: I'm going to move for the  
3 admission of Exhibit P26.

4                   JUDGE MORAN: P26. Any objection, Mr.  
5 Tidaback? P26 is admitted.

6                               (Complainant's Exhibit P-26 was  
7 marked for identification and  
8 received in evidence.)

9                   BY MR. MOLL:

10           Q       And just to clarify, these are not all  
11 your minutes, but these are the all the notes from  
12 the inspection that you participated in. Is that  
13 correct?

14           A       Correct.

15           Q       And looking at Page 2 of Exhibit P26, do  
16 you see where it says accompanied?

17           A       I do.

18           Q       Okay. And do you see the date up at the  
19 top, 2-22-2023?

20           A       I do.

21           Q       And so during that time would you  
22 understand -- would you have written that down,

1 accompanied by Rob Baumann, was that because Mr.  
2 Baumann was accompanying you during the inspection  
3 that occurred on that date?

4 A Yes. Mr. Baumann and Mr. Spears were  
5 the two that accompanied me during that  
6 inspection.

7 Q And so both of them would have been  
8 there together during that inspection with you?

9 A Yes.

10 Q Okay. So --

11 JUDGE MORAN: I have a problem based on  
12 an aside you just made, Attorney Moll. You asked  
13 Inspector Markeson about with reference to P26,  
14 you said that not all of the pages in P26 reflect  
15 his notes. Is that correct?

16 MR. MOLL: That's correct, Your Honor.

17 JUDGE MORAN: So as with that other  
18 exhibit, I don't see how I can admit pages of  
19 inspection notes that weren't authored by  
20 Inspector Markeson just because they happen to be  
21 lumped in with P26.

22 MR. MOLL: I would respond by saying

1     that this was all part of the same inspection file  
2     and inspection that he participated in, so he  
3     would have been presented and made notes and  
4     participated in this inspection and created this  
5     file.

6                 JUDGE MORAN:   He can't testify about  
7     notes made by others.   That would have to come in  
8     by the person that made those notes, so tomorrow  
9     morning, and this is without speaking, you can  
10    only speak on the record with Inspector Markeson,  
11    but I want you to identify on the record those  
12    pages, it looks like it's just Page 1 and 2, but  
13    whatever pages were authored by this inspector,  
14    those may be admitted but the other exhibits, the  
15    other notes, I can't admit those without a proper  
16    foundation for who authored them.   That's  
17    piggybacking, if you will, bootstrapping other --  
18    other documents into P26.

19                MR. MOLL:   And I understand, Your Honor,  
20    and to the extent that I believe the other  
21    inspector that would have participated in this  
22    instance, Dave Pruitt, so if necessary, we can

1 have Mr. Pruitt testify regarding those specific  
2 notes as well.

3 JUDGE MORAN: Well, if necessary means  
4 if you want them in.

5 MR. MOLL: Okay. Thank you, Your Honor.

6 JUDGE MORAN: Remember, tomorrow morning  
7 you're going to identify those pages that were  
8 authored by Inspector Markeson and he will, under  
9 oath, confirm that or deny it, whatever the case  
10 may be.

11 MR. MOLL: Understood, Your Honor.

12 BY MR. MOLL:

13 Q And just to kind of wrap things up,  
14 whose responsibility, in your understanding as an  
15 inspector, is it to comply with MSHA?

16 A According to the Mine Act it is the  
17 responsibility of the mine operator, with the  
18 assistance of the miners.

19 MR. MOLL: Thank you. No further  
20 questions.

21 JUDGE MORAN: Okay. So we're going to  
22 call it an evening, and as per yesterday's



1 procedure, the sheriff, the bailiff, I'm not sure  
2 what you're correct title is, you're going to  
3 leave here and all of us, I'm going to exit in a  
4 moment through the same doors and then this  
5 courtroom will be locked up and you can't get back  
6 in until tomorrow morning at about 8:30. All  
7 right. Any last comments before I -- from counsel  
8 before we call today to an end?

9 MS. SMITH: Your Honor, I have one  
10 logistical question but it does not need to be on  
11 the record.

12 JUDGE MORAN: So then anything from Mr.  
13 Tidaback? Okay. Then today's proceeding will  
14 come to a close. Not quite. I have to tell you,  
15 Inspector Markeson, do not speak with anybody  
16 about this -- about your testimony. You cannot  
17 speak with any of the people in this matter,  
18 including the attorneys, the three attorneys for  
19 the Secretary of Labor. Okay. The time for  
20 preparing a witness has passed, and so there can't  
21 be further communication. I told this to all the  
22 witnesses for -- in this proceeding, so you just

1 have to be a loner on your own and not conversing,  
2 even casually with other people. You're not to be  
3 talking with them.

4 THE WITNESS: Can I ask a question about  
5 that?

6 JUDGE MORAN: Sure.

7 THE WITNESS: Currently me, and I  
8 believe two other witnesses in this case, are in  
9 the middle of an underground inspection. Can I at  
10 least debrief with them to know what they got done  
11 today and what's left for me to do tomorrow when I  
12 get done?

13 JUDGE MORAN: Yes. If it has nothing to  
14 do with this case.

15 THE WITNESS: No, it's about an  
16 inspection that's ongoing on right now.

17 JUDGE MORAN: Yes, of course you can do  
18 that.

19 THE WITNESS: I just wanted to make  
20 sure.

21 JUDGE MORAN: Thank you for asking. And  
22 did the court reporter go away?

1 COURT REPORTER: I'm still here.

2 JUDGE MORAN: Oh, great. So go ahead  
3 about the comment that you say didn't have to be  
4 in the record. We're on the record.

5 MS. SMITH: We decided to clarify. We  
6 wanted to be able to talk about just logistics of  
7 travel. I know Mr. Dillingham had a family issue  
8 going on, so we want to let you know that we  
9 intend to talk to him about his travel logistics.  
10 We won't be talking about the case.

11 JUDGE MORAN: Of course, you may speak  
12 to him about matters unrelated to this personal  
13 matters, of course.

14 MS. O'REILLY: And one final logistical  
15 question. When we notified the MSHA inspectors  
16 about our hearing, we gave them the location of  
17 Courtroom A, which is where we were originally  
18 scheduled to meet. We would like to communicate  
19 to them that they are now to appear tomorrow at  
20 Courtroom D, where we are now, so.

21 JUDGE MORAN: Yes. I'm not -- I'd like  
22 to think I'm not unreasonable. Of course you can

1 communicate something like that, because it  
2 doesn't deal with the testimony itself. It's  
3 strictly procedural.

4 MS. O'REILLY: Yes. Thank you.

5 JUDGE MORAN: And then, before we call  
6 it an end, now we're a little over here. If we  
7 can't wrap this up tomorrow, we're going to have  
8 to be thinking about when you get the opportunity  
9 to see me again. Okay? And I have some home  
10 issues I have to make sure I'm available and I  
11 haven't already booked myself for some other  
12 times. We'll work that out if we don't wrap this  
13 up tomorrow. Okay? So be looking at your  
14 calendars. Thank you, all. All right. Today's  
15 proceeding is now coming to an end. Thank you  
16 Court Reporter Blackerby.

17 (Whereupon, at 4:49 p.m., the  
18 HEARING was continued.)

19 \* \* \* \* \*

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C E R T I F I C A T E

I, Jane A. Blackerby, a Certified Court Reporter of the State of Missouri, do hereby certify:

That said proceeding was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to writing under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand and seal this 12th day of March, 2024.

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Jane A. Blackerby, CCR #877

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

-----X  
SECRETARY OF LABOR, :  
 :  
 Complainant, :  
 :  
 v. : CENT 2023-0251-DM  
 : MADI-CD-2023-03  
 MONSENECA MANUFACTURER, LLC, :  
 d/b/a AMERICAN TRIPOLI, :  
 :  
 Respondent. : Volume 3  
-----X

633 S. Pearl Avenue  
Joplin, Missouri

Thursday, February 29, 2024

The HEARING in the above-entitled matter  
was reconvened at 8:54 a.m., pursuant to notice.

BEFORE:

JUDGE WILLIAM B. MORAN

## 1 APPEARANCES:

2 On behalf of Complainant:

3 LAURA O'REILLY, ESQUIRE  
4 ELAINE SMITH, ESQUIRE  
5 QUINLAN B. MOLL, ESQUIRE  
6 United States Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108

7 On behalf of Respondent:

8 RUSSELL TIDABACK, ESQUIRE  
9 JORDAN TIDABACK  
American Tripoli  
222 Oneida Street  
10 Seneca, Missouri 64865

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## C O N T E N T S

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Keith Markeson		8	53	61
Bryan Licklider	68	81		
John Spears	90	143	149	153
			156	
Russell Tidaback	165	234	252	
Robert Baumann			258	259

\* \* \* \* \*



## P R O C E E D I N G S

JUDGE MORAN: Okay. We're on the record. Good morning, everyone. We're here for the third day of this proceeding, today being the last day of February, February 29th in this leap year of 2024. And, Counsel, ready to proceed?

MS. O'REILLY: Yes, your Honor.

JUDGE MORAN: Okay. Let's go. We're going to continue with the testimony of Inspector Keith Markeson, correct?

MS. O'REILLY: Yeah. First we had a couple of just quick housekeeping items.

JUDGE MORAN: Sure.

MS. O'REILLY: There are, like, four RFAs in this case that have been admitted, and we were just wondering if the judge would like us to read those into the record. They're also in the admitted Exhibit P39.

JUDGE MORAN: What was the first thing you said? There were four what?

MS. O'REILLY: Requests for admissions that have been admitted. Sorry.

1 JUDGE MORAN: Didn't get the acronym.

2 Okay. Yes. Why don't you read them into the  
3 record, okay? But you say they're already in  
4 Exhibit P39?

5 MS. O'REILLY: Correct, so if you just  
6 want us to refer to those in the briefing or if  
7 you'd rather me read them into the record which is  
8 fine.

9 JUDGE MORAN: If they're in the exhibit,  
10 I don't see a need to do that.

11 MS. O'REILLY: Yeah. We just wanted to  
12 make it clear that --

13 JUDGE MORAN: Right, and then what  
14 you're saying right now is on the record as well.

15 MS. O'REILLY: Yep. That's fine. We  
16 just wanted to alert you to that. The other thing  
17 is we had two other exhibits that hadn't been  
18 entered yet that -- The Exhibit P44, which is John  
19 Spears' deposition, it's self-certified. It's  
20 certified by the court reporter, and it's of a  
21 party opponent under 801(d)(2), so we'd move to  
22 admit that as well.

1 JUDGE MORAN: Okay. And give me that  
2 number again, please.

3 MS. O'REILLY: P44.

4 JUDGE MORAN: Okay. Any objection to  
5 P44, Mr. Tidaback?

6 MR. TIDABACK: No.

7 JUDGE MORAN: Okay. It's admitted. P44  
8 is in. Go ahead.

9 (Complainant's Exhibit P-44 was  
10 marked for identification and  
11 received in evidence.)

12 MS. O'REILLY: Thank you. And one last  
13 one, P35, those are employee disciplinary records  
14 that were provided in discovery in this case, and  
15 we would move to admit those.

16 JUDGE MORAN: Right. Those were  
17 responded by the respondent to you, P35. Don't  
18 have any objection to that, right?

19 MR. TIDABACK: (No audible answer.)

20 JUDGE MORAN: You have to speak up.

21 MR. TIDABACK: No, your Honor.

22 JUDGE MORAN: Thank you. P35 is

1 admitted.

2 (Complainant's Exhibit P-35 was  
3 marked for identification and  
4 received in evidence.)

5 MS. O'REILLY: That's all the  
6 housekeeping items. Thank you.

7 JUDGE MORAN: Okay. That's fine. So  
8 come on up here, Inspector Markeson. And, of  
9 course, I'm sure you know, you're still under  
10 oath.

11 THE WITNESS: Yes, your Honor.

12 JUDGE MORAN: Just one second, please.  
13 Whereupon,

14 KEITH MARKESON  
15 was recalled as a witness and, having been  
16 previously duly sworn, was examined and testified  
17 further as follows:

18 JUDGE MORAN: Okay. Attorney -- Let's  
19 see. It was Attorney O'Reilly who's doing the  
20 questioning. Was it Attorney Moll?

21 MR. MOLL: Yes, your Honor.

22 JUDGE MORAN: Okay. I'm sorry. Yes.

1     Okay.   Ready, sir?

2                 MR. MOLL:   Yes, your Honor.   I believe  
3     we're on cross-examination now, your Honor.

4                 JUDGE MORAN:   Oh, yeah.   Thank you for  
5     reminding me.   That's right.   You were saying at  
6     the end you had a few more questions and you could  
7     wrap it up, and you -- you had an adequate  
8     opportunity to provide your direct?

9                 MR. MOLL:   Yes, your Honor.

10                JUDGE MORAN:   Okay.   All right.   Mr.  
11     Tidaback, go ahead, sir.

12                CROSS-EXAMINATION

13                BY MR. TIDABACK:

14                Q     Okay.   During your interactions with --  
15     Did you have any interactions with the claimant  
16     prior to your inspection, prior to your inspection  
17     on the dates in question for this discrimination?

18                A     No, I did not.

19                Q     Had you had interactions with the  
20     claimant after hours or off-site prior to the  
21     claimant's discrimination filing?

22                A     Yes.

1 Q Can you, please, explain?

2 A After the B orders were issued that shut  
3 the plant down, Mr. Baumann called me and asked if  
4 American Tripoli would be allowed to shrink-wrap  
5 material that was already packaged and be allowed  
6 to load that material onto truck for sales, and I  
7 agreed that that would be reasonable because it  
8 was not dust-producing activity, so there was no  
9 reason not to do that.

10 Also, I believe on one other occasion,  
11 Rob called me after hours to ask me just a general  
12 safety question about -- about a standard, but I  
13 can't recall what it was.

14 Q Do you record these official  
15 communications in your inspection reports?

16 A No. The -- The change in the B order  
17 was documented by a subsequent action that allowed  
18 that activity on the B order.

19 Q So how many times have you inspected our  
20 company's mine in the past 14 months?

21 A Separate events or visits?

22 Q Your presence at our site, would you say

1 more than ten?

2 A I would say more than ten.

3 Q How many -- How many times did you  
4 inspect the company's mine prior to January 2023?

5 A At least five. It might be more.

6 Q Five over years or five in the -- Five  
7 in that one time year before?

8 A No, five over 13 years.

9 Q Okay.

10 A It was -- It was assigned to me just for  
11 two years. And, of course, I did both inspections  
12 those two years, and I think I picked up one  
13 inspection for another inspector.

14 Q So in -- Can you compare the frequency  
15 of your inspections at our mines with other mines  
16 in the same area of similar size and type?

17 A Not in recent history.

18 Q You can't compare the frequency of the  
19 inspections of our mines compared to another small  
20 mine?

21 JUDGE MORAN: Well, he answered that.  
22 He said "not in recent history." Isn't that what

1     you said?

2                   THE WITNESS:   Correct.

3                   MR. TIDABACK:   Thank you.   I needed to  
4     get clarification on the small mine, your Honor.

5                   BY MR. TIDABACK:

6           Q       So how do you -- How do your findings at  
7     our mines compare with your findings at other  
8     small mines?

9           A       In general, there's more violations at  
10    American Tripoli than there are at similar mines  
11    in the state of -- similar mines in the state.

12          Q       Okay.   And on these --

13                  JUDGE MORAN:   Remember, let me just  
14    interject.   We're not -- We're not trying in this  
15    case the issuance of citations by any MSHA  
16    inspector of American Tripoli.

17                  MR. TIDABACK:   Correct, your Honor.

18                  JUDGE MORAN:   So I've let -- There  
19    hasn't been an objection, but we can only go so  
20    far in terms of the -- this line of questioning  
21    about comparing American Tripoli to other mines  
22    because that's moving us towards having many



1 trials on citations issued at other facilities and  
2 how that would rate compared to American Tripoli.  
3 That's getting afield.

4 MR. TIDABACK: Yes, sir. We've removed  
5 any -- any relations to -- or any direction to any  
6 citation.

7 JUDGE MORAN: Okay. But still, some of  
8 your questions might have an issue -- have an  
9 issue that I just tried to explain to you, so  
10 we'll have to listen to your questions. Go ahead,  
11 sir.

12 MR. TIDABACK: Thanks, your Honor.

13 BY MR. TIDABACK:

14 Q During your inspections, have you ever  
15 revised your -- That may lead into that. I'll  
16 finish the question and see if it's (inaudible),  
17 your Honor.

18 JUDGE MORAN: Well, it's up to counsel  
19 for the Secretary if they have an objection as  
20 well, but go ahead --

21 BY MR. TIDABACK:

22 Q Have you ever --

1 JUDGE MORAN: -- with your inspections.

2 MR. TIDABACK: Sorry.

3 BY MR. TIDABACK:

4 Q Have you ever revised your inspection  
5 findings or penalties after the initial  
6 documentation of those?

7 MR. MOLL: Objection. Deliberative  
8 process.

9 JUDGE MORAN: I don't know if that's a  
10 deliberative process. He's just asking if there's  
11 been a revision, but I would note that -- and I  
12 need you to confirm this, Inspector Markeson.

13 THE WITNESS: Yes.

14 JUDGE MORAN: Your role is to check for  
15 safety and health hazards. And upon finding a  
16 safety or health hazard, you issue a citation or  
17 in some instances depending upon what's preceded  
18 it an order?

19 THE WITNESS: Correct.

20 JUDGE MORAN: And the orders may be  
21 104(a), 104(b). They may be D orders, D citations  
22 and -- and other imminent danger orders. There's

1 a host of things that an inspector can issue when  
2 inspecting a mine; is that right?

3 THE WITNESS: That is correct.

4 JUDGE MORAN: Okay. And so am I also  
5 correct that -- Mr. Tidaback's question asked  
6 about revising a penalty computation. The  
7 inspectors don't do penalty computations, do they?

8 THE WITNESS: No. We have nothing to do  
9 with the penalty side.

10 JUDGE MORAN: Okay.

11 BY MR. TIDABACK:

12 Q Have you ever expressed your opinions of  
13 our company or its practices, either publicly or  
14 privately, outside of your official reports?

15 MR. MOLL: Objection. Deliberative  
16 process again.

17 JUDGE MORAN: Yes. I sustain the  
18 objection.

19 BY MR. TIDABACK:

20 Q Have you ever discussed our company with  
21 your supervisor, Mr. Pratt?

22 MR. MOLL: Same objection.

1 JUDGE MORAN: Sustained.

2 BY MR. TIDABACK:

3 Q Okay. Has Mr. Pratt ever counseled you  
4 or provided you with documented professional  
5 development?

6 MR. MOLL: Same objection and relevance.

7 JUDGE MORAN: Yes. Repeat that question  
8 again, please.

9 BY MR. TIDABACK:

10 Q Has Mr. Pratt, which is his supervisor,  
11 ever counseled you or provided you with documented  
12 professional development?

13 MR. MOLL: Objection. Relevance.

14 JUDGE MORAN: I'm going to sustain the  
15 objection.

16 MR. TIDABACK: Okay.

17 JUDGE MORAN: Now, however, and I can't  
18 be in the process of guiding you. I'm not a de  
19 facto attorney in any sense for you. But I don't  
20 think, unless I hear an objection from the  
21 secretary, there will be any objection. I'm have  
22 to weigh this, though. And by the way, Court

1 Reporter, can you hear me?

2 THE VIDEOGRAPHER: Thumbs up.

3 JUDGE MORAN: Okay. Good. I don't  
4 think it would be improper if you asked a limited  
5 question about whether Inspector Markeson has ever  
6 been disciplined in connection with the  
7 performance of his duties. That's different from  
8 deliberation. So if you want to ask that  
9 question, if he's ever been -- if he's ever  
10 received any discipline in connection with his  
11 duties as a mine inspector, because I think I  
12 recall overtones in your documents alleging that.  
13 So you can ask that question, if he's ever been  
14 disciplined about -- in connection with his  
15 inspection activities.

16 THE WITNESS: Your Honor, may I clarify  
17 something?

18 JUDGE MORAN: No. That's not the --  
19 That's not the way this proceeding works.

20 THE WITNESS: Okay.

21 JUDGE MORAN: If there's a question that  
22 is considered improper by any of the Secretary's

1 three attorneys here, they will speak up.

2 THE WITNESS: Okay.

3 JUDGE MORAN: And that's just the way it  
4 works because it's a question-and-answer format.

5 THE WITNESS: Um-hum.

6 JUDGE MORAN: It's not volunteering  
7 information. We would have havoc, and I wouldn't  
8 be able to put a cap on it.

9 THE WITNESS: I understand.

10 JUDGE MORAN: Go ahead. Do you want to  
11 ask that question?

12 MR. TIDABACK: Yes, your Honor.

13 JUDGE MORAN: Go ahead.

14 BY MR. TIDABACK:

15 Q Have you ever been disciplined for your  
16 performance as an inspector?

17 A No.

18 Q Do you remember the -- the inspection  
19 when you were there, Mr. Simms, the district  
20 attorney (sic) at the time, was there, Mr. Pratt  
21 was there? They actually came to our site.

22 Remember that one day the big -- everybody --

1 MR. MOLL: Objection. Characterization.

2 JUDGE MORAN: I'm sorry?

3 MR. MOLL: Objection. Characterization  
4 and testimony.

5 JUDGE MORAN: Well, no. He -- I can  
6 allow that question. He's -- he's asking about if  
7 this -- if Inspector Markeson remembers a date.  
8 At the plant do you mean?

9 MR. TIDABACK: Yes, your Honor.

10 JUDGE MORAN: At the mill and with  
11 certain individuals being there, including, did  
12 you say, the fire department?

13 MR. TIDABACK: No, your Honor, Mr. Simms  
14 which was the district -- district manager at the  
15 time, Mr. Pratt which was Mr. Markeson's  
16 supervisor, and Mr. Markeson was there.

17 JUDGE MORAN: At -- All at your site?

18 MR. TIDABACK: All at the -- All at the  
19 site.

20 JUDGE MORAN: Do you ever remember an  
21 event like that, sir?

22 THE WITNESS: I do remember that.

1 JUDGE MORAN: Okay. So he remembers  
2 that there was an event at -- at the mill. Were  
3 those individuals present?

4 THE WITNESS: Yes.

5 JUDGE MORAN: Okay. Were you conducting  
6 an inspection at that time?

7 THE WITNESS: Yes, we were conducting an  
8 inspection at that time. However, Mr. Pratt is  
9 not my supervisor.

10 JUDGE MORAN: Okay.

11 MR. TIDABACK: Oh, sorry.

12 JUDGE MORAN: Go ahead.

13 BY MR. TIDABACK:

14 Q Okay. So --

15 JUDGE MORAN: I just want to clarify one  
16 other thing. We can only go so far in this  
17 because I didn't articulate it as well as I would  
18 have liked to. But when an inspector says, for  
19 example, Markeson says, "No, I've never been  
20 disciplined," that's it. You can't -- if the  
21 answer is "no," we don't allow you to -- you know,  
22 to go onto that further. You have to take the



1 answer.

2 MR. TIDABACK: Okay, your Honor.

3 JUDGE MORAN: Okay?

4 MR. TIDABACK: Yes, sir.

5 JUDGE MORAN: All right. Because it  
6 becomes a collateral issue. That's what it's  
7 called, collateral, noncollateral. Came to me.  
8 All right. Go ahead.

9 BY MR. TIDABACK:

10 Q During that inspection or that time that  
11 we were there, do you remember the conversation  
12 we, all five of us, Ms. Jordan or -- Ms. Tidaback,  
13 excuse me, Mr. Simms, Mr. Pratt and yourself, we  
14 were having a conversation on the railcar loading  
15 dock regarding the barbecue grill on that ramp?  
16 Do you remember that conversation?

17 A I do.

18 Q Do you remember Mr. Pratt telling you  
19 to, "Hurry this up, we need to get out of here,"  
20 and do you remember -- do you recall the response  
21 to Mr. Pratt?

22 JUDGE MORAN: Well, you asked multiple

1 questions there.

2 MR. TIDABACK: Oh, sorry.

3 JUDGE MORAN: So just break it down.

4 BY MR. TIDABACK:

5 Q Do you remember that -- that  
6 conversation where Mr. Pratt told you to, "Hurry  
7 this up, and we need to get out of here"?

8 A I remember the -- having a conversation  
9 out there. I do not remember those specific  
10 words.

11 Q Do you recall the response that you gave  
12 to Mr. Pratt?

13 A Yes, I do. I -- I don't recall the  
14 exact words, but I was getting a little frustrated  
15 because they were moving faster than I could take  
16 my notes.

17 JUDGE MORAN: Who was moving faster,  
18 sir?

19 THE WITNESS: The rest of the inspection  
20 party. I was the one -- I was the one issuing the  
21 citations, and they were going along. And, of  
22 course, I have to stop and take notes and document

1 a violation. And they were moving faster than I  
2 could, and I was getting frustrated. And I -- I  
3 got a little snippy with Mr. Pratt, basically --

4 JUDGE MORAN: By the way, who is Mr.  
5 Pratt?

6 THE WITNESS: Mr. Pratt is the south  
7 office field office supervisor. Rolla's divided  
8 into two work groups. I'm in the north office  
9 work group. Mr. Pratt is the supervisor in the  
10 south office work group.

11 MR. TIDABACK: I'd like to refer to  
12 Exhibit RH, your Honor.

13 JUDGE MORAN: All right.

14 THE WITNESS: Is the -- Wait. Is it the  
15 white book here?

16 BY MR. TIDABACK:

17 Q Yes, R -- R -- RH, Romeo dot hotel.

18 JUDGE MORAN: Now, let's keep focused  
19 here, folks, and I'm addressing this to the  
20 Secretary's representatives as well, what this  
21 case is about. Okay. Are you -- Inspector  
22 Markeson, are you on RH?

1                   And, first of all, I want you to make a  
2   proffer, Mr. Tidaback, as to what -- characterize  
3   for me what RH is. Are you on RH, by the way,  
4   Inspector Markeson?

5                   THE WITNESS: I am on RH.

6                   JUDGE MORAN: Okay.

7                   MR. TIDABACK: Yes, sir. This is an  
8   e-mail to Mr. Simms which is the district manager  
9   referring to Mr. Markeson that day and that  
10   inspection.

11                  JUDGE MORAN: And are you telling me  
12   that this is multiple unnumbered pages, that all  
13   of this is an e-mail that you sent?

14                  MR. TIDABACK: This -- Yes, your Honor.  
15   This is one chain e-mail. Mr. Simms, if I  
16   remember correctly, the e-mail started out to Mr.  
17   -- Mr. Markeson.

18                  JUDGE MORAN: Okay.

19                  MR. TIDABACK: And it went up the chain  
20   to Mr. Simms.

21                  JUDGE MORAN: Okay. And you tell me if  
22   I have this right. My understanding would be that

1 the purpose of your attempting to introduce this  
2 e-mail is to demonstrate that this inspector was  
3 disrespectful or some other negative attribute of  
4 his behavior; is that right?

5 MR. TIDABACK: That is correct, your  
6 Honor.

7 JUDGE MORAN: Okay. Do we have an  
8 objection to this?

9 MR. MOLL: We don't have any objection.

10 JUDGE MORAN: All right.

11 MR. TIDABACK: So I would like to admit  
12 RH to the evidence.

13 JUDGE MORAN: All right. If the counsel  
14 for the Secretary doesn't have any issues, then I  
15 do not have objections to -- to include in light  
16 of their view. RH is admitted.

17 (Respondent's Exhibit R-H was  
18 marked for identification and  
19 received in evidence.)

20 MR. TIDABACK: Thank you, your Honor.

21 BY MR. TIDABACK:

22 Q Have you ever seen this e-mail before,

1 Mr. Markeson, this last e-mail on page 1? Sorry.

2 A I have not seen all of it.

3 Q Okay. Just this last e-mail to Mr.  
4 Simms, RH, page 1, dated Monday, April 17th, 2023,  
5 at 11:18:24 p.m.

6 JUDGE MORAN: So I'm going to interrupt  
7 again. I'm looking at this, and it's too many  
8 pages for me to -- it would take a long time to  
9 read through all of this. But let's assume, Mr.  
10 Tidaback, that -- that essentially this is  
11 allegations on your part, right? You're writing  
12 allegations about Inspector Markeson; is that  
13 right?

14 MR. TIDABACK: Allegations to the  
15 district manager.

16 JUDGE MORAN: Well, yes, but about  
17 Inspector Markeson?

18 MR. TIDABACK: Yes, sir.

19 JUDGE MORAN: Is Inspector Markeson the  
20 entire subject of this exhibit?

21 MR. TIDABACK: On page 1, yes, it is.

22 JUDGE MORAN: Well, but there are a lot

1 of other pages, so what -- you said it's a chain  
2 e-mail. Is this about this inspector's behavior?

3 MR. TIDABACK: The entire chain is not.  
4 The last communication in the chain of e-mails is.

5 JUDGE MORAN: Okay. Then what's the  
6 purpose of the entire chain? What follows?

7 MR. TIDABACK: It's just the e-mail  
8 chain.

9 JUDGE MORAN: What is your intention  
10 behind having that admitted into the record, RH?  
11 To show what?

12 MR. TIDABACK: To show that the  
13 inspector was having issues at our mine site with  
14 other inspectors which at the time as he just  
15 stated he wasn't his supervisor, but we had  
16 understood that he was his supervisor. That was  
17 the intent, your Honor.

18 JUDGE MORAN: Okay. And so I'll let you  
19 ask some questions subject to any objections. But  
20 not to be coarse, but I would -- my reaction is,  
21 so what? I mean, I don't understand the  
22 importance in determining about what is in front

1 of me.

2 MR. TIDABACK: The --

3 JUDGE MORAN: Let me finish, please.

4 MR. TIDABACK: Sorry.

5 JUDGE MORAN: A discrimination complaint  
6 by Mr. Baumann, that's what we're dealing with  
7 here --

8 MR. TIDABACK: Sure.

9 JUDGE MORAN: -- and the undisputed  
10 adverse action and then the second issue of  
11 affirmative defense that American Tripoli would  
12 have fired, terminated Mr. Baumann in any event.  
13 This has nothing to do with that. The -- The  
14 extent of the camaraderie or disagreements between  
15 MSHA's inspection team does not advance at all in  
16 my perspective the determinations that I have to  
17 make in this case.

18 MR. TIDABACK: So far, your Honor.  
19 Correct. We haven't gotten through all the  
20 testimony and stuff like that.

21 JUDGE MORAN: So far. Of course I'm  
22 saying so far.



1 MR. TIDABACK: Yes.

2 JUDGE MORAN: I'm talking about this  
3 exhibit. And again, you know, that's my  
4 unvarnished perspective on this.

5 MR. TIDABACK: Yes, sir.

6 JUDGE MORAN: People have disagreements.  
7 It's part of life.

8 MR. TIDABACK: Yes, sir.

9 JUDGE MORAN: It can be at home with one  
10 spouse or significant other. And it also can be,  
11 and often is, one's children, in business  
12 relationships, so it proves nothing so far --

13 MR. TIDABACK: So far.

14 JUDGE MORAN: -- this Exhibit RH, and  
15 this is just what you're -- you've written to this  
16 --

17 MR. TIDABACK: District manager.

18 JUDGE MORAN: Mr. Simms.

19 MR. TIDABACK: Yes, sir.

20 JUDGE MORAN: Yes. And I note that the  
21 -- the beginning line says, "I respect your  
22 opinion but do not see it that way. I can only

1 express my concern based on the experience we had  
2 with Mr. Markeson."

3 So what you're going to have to focus on  
4 is to ask him specific questions about his  
5 behavior which he -- and that behavior has to be,  
6 as far as I'm concerned, in relation not with his  
7 fellow employees, fellow inspectors or people in  
8 other offices but, rather, in connection with  
9 American Tripoli what might be said there, but  
10 this doesn't talk about that. I mean, so I -- I'm  
11 not going to let you go very far in terms of --  
12 because it doesn't prove anything in this case.

13 MR. TIDABACK: Correct. It establishes  
14 where we're trying to get, your Honor.

15 JUDGE MORAN: Well, it establishes an  
16 allegation by you to Mr. Simms and then the very  
17 first line you say that you respect his opinion,  
18 but you're disagreeing with Mr. Simms about his  
19 opinion.

20 MR. TIDABACK: Correct.

21 JUDGE MORAN: Okay. And that's why I  
22 have real problems about this. Go ahead with your

1 next question, and we'll plug along here.

2 BY MR. TIDABACK:

3 Q Okay. Okay. So can you provide  
4 examples of when you've acknowledged or praised  
5 compliance or improvements at safety -- in safety  
6 practices at our mine location?

7 A Can you ask that again, please?

8 Q Yes, sir. Can you provide examples of  
9 when you've acknowledged or praised compliance or  
10 improvements in safety practices at our mine?

11 A Not specifically, no.

12 Q Okay. During your visits, how many  
13 times have you visited the pit or the drying sedge  
14 -- drying sheds which are also part of our mine  
15 site?

16 MR. MOLL: Objection. Relevance. Mr.  
17 Baumann said he testified that he did never -- he  
18 never worked in the pit, so --

19 JUDGE MORAN: Well, and more  
20 fundamentally, I don't understand the relevance of  
21 the question apart from Mr. Baumann. I'm going to  
22 sustain the objection.

1 BY MR. TIDABACK:

2 Q Okay. Have any of your inspections or  
3 decisions -- or actions been challenged or  
4 overturned by MSHA or another authority?

5 MR. MOLL: Objection.

6 MR. TIDABACK: Yeah. I figured it was  
7 --

8 JUDGE MORAN: No side comments, please,  
9 okay --

10 MR. TIDABACK: Sorry, sir.

11 JUDGE MORAN: -- Mr. Tidaback, I mean,  
12 if you said something, "That figures," or I think  
13 you said something.

14 MR. TIDABACK: All right.

15 JUDGE MORAN: Parties are able to  
16 object, and you objected yesterday and the day  
17 before. The -- Whether I ruled in your favor or  
18 not, you had the opportunity to object.

19 MR. TIDABACK: I apologize. I didn't --  
20 it slipped. Yes.

21 JUDGE MORAN: Yes. I understand you're  
22 emotionally involved in this, as all of us are,

1 but hopefully professionally.

2 MR. TIDABACK: Yes, your Honor.

3 JUDGE MORAN: Okay. So, again, I'm  
4 going to ask the Secretary, I'm not telling you  
5 how to do your case, but we want to stay focused  
6 on what I have to deal with here, and a lot of  
7 side issues are not pertinent to this proceeding.

8 It seems to me that absent the -- this  
9 inspector's statement, which he has not made,  
10 about being disciplined in connection with his job  
11 as an inspector and more particularly as his job  
12 as an inspector at American Tripoli, that's about  
13 it in terms of challenging him.

14 MR. TIDABACK: Your Honor, we're trying  
15 to establish the basis that Mr. Markeson  
16 influenced and coerced Mr. Baumann in filing a  
17 complaint.

18 JUDGE MORAN: Well, you can ask  
19 questions, and you already have, about his  
20 communication off-site or otherwise, so -- but you  
21 can ask a question like that. You can say,  
22 "Inspector Markeson, did you ever attempt to

1 influence or direct Mr. Baumann as to what to say  
2 in communication with," in other words, guide him  
3 in connection with his discrimination complaint.  
4 You can ask that question.

5 Other than that, you've got to put on  
6 your own witnesses to perhaps establish that. So  
7 go ahead with -- that's why I want to try -- I  
8 know you're not an attorney, but that doesn't mean  
9 I can let you have free range here. This is not  
10 like -- You know the expression "free-range  
11 chickens" here, right? We can't have free range  
12 here in terms of -- because you're not an attorney  
13 to ask whatever questions you want.

14 MR. TIDABACK: Right.

15 JUDGE MORAN: There has to be certain  
16 parameters in this proceeding.

17 MR. TIDABACK: And I appreciate that. I  
18 appreciate your input 100 percent. I don't think  
19 I'm free range anything.

20 JUDGE MORAN: Okay.

21 MR. TIDABACK: I'm here to follow the  
22 guidelines.

1 JUDGE MORAN: So you can ask him that  
2 question if you want to, what I just asked.

3 MR. TIDABACK: Yes.

4 JUDGE MORAN: Did you ever attempt to  
5 influence Mr. Baumann about procedures or  
6 substance in connection with his discrimination  
7 complaint?

8 THE WITNESS: Influence or provide  
9 information?

10 JUDGE MORAN: Provide information.

11 THE WITNESS: After Mr. Baumann was  
12 terminated, he told me the conditions of his  
13 termination. I said, "You might have a 105(c)  
14 case" --

15 JUDGE MORAN: Okay.

16 THE WITNESS: -- "possibly." And he  
17 asked, "How do I file that?" And I provided him  
18 the contact number for -- I can't think of her  
19 first name, but her last name is Van Over in our  
20 district office who takes the complaints.

21 JUDGE MORAN: Okay. And did you just  
22 state that that communication, which you just

1 testified about --

2 THE WITNESS: Um-hum.

3 JUDGE MORAN: -- was after Mr. Baumann  
4 was terminated?

5 THE WITNESS: Yes, it was after Mr.  
6 Baumann was terminated.

7 JUDGE MORAN: Okay. And the second  
8 part, because you appropriately asked me to  
9 distinguish in my question, I asked you about did  
10 you attempt to influence Mr. Baumann in any manner  
11 in this matter.

12 THE WITNESS: No. I just provided him  
13 the means to file the complaint if he -- if he  
14 chose to do so.

15 JUDGE MORAN: Okay. And it's my -- my  
16 further understanding that -- that in connection  
17 with that, the call was, A, after his termination  
18 and, B, did -- did you institute, did you -- did  
19 you start the call, or did you receive a call?

20 THE WITNESS: It wasn't a call. It was  
21 in the parking lot at American Tripoli.

22 JUDGE MORAN: Oh, and the word I was



1 looking for, initiate, did you initiate with Mr.  
2 Baumann a conversation? This is after he's  
3 terminated?

4 THE WITNESS: So -- so after --  
5 Actually, the day that Mr. Baumann was terminated,  
6 I arrived at the mine site to conduct an  
7 inspection. Mr. Baumann was still the elected  
8 miners' representative for the mine.

9 So when Mr. Spears informed me that Mr.  
10 Baumann had been terminated, I called Mr. Baumann  
11 from right in front of the American Tripoli  
12 office. And I said, "You are still the elected  
13 miners' rep unless you don't want to be," and I  
14 said, "You have the right to accompany this  
15 inspection should you choose to do so."

16 JUDGE MORAN: And help me out with this.  
17 Did you say -- You said you called him. Is he on  
18 the mine property, or is he off the mine property?

19 THE WITNESS: He had left the property,  
20 and he was on his way home, I believe, and he  
21 turned around.

22 JUDGE MORAN: You knew how to contact

1 him? You contacted him?

2 THE WITNESS: Yes.

3 JUDGE MORAN: How did you know to  
4 contact him?

5 THE WITNESS: I got his phone number  
6 from Jesse Malessy, the environmental health and  
7 safety specialist.

8 JUDGE MORAN: On that day? Is that how  
9 you got the telephone number?

10 THE WITNESS: Yeah. I don't remember if  
11 it was that day or earlier or an earlier  
12 inspection, but that's where I got the number  
13 from.

14 JUDGE MORAN: All right. Do you have  
15 other questions to ask of this inspector?

16 MR. TIDABACK: Yes, your Honor.

17 JUDGE MORAN: Okay.

18 BY MR. TIDABACK:

19 Q On February 14th, do you recall what was  
20 happening that morning at our site?

21 MR. TIDABACK: And this -- Your Honor,  
22 this is in relation to the message to Gage Wheeler

1     which is part of the interference claim of the  
2     Secretary.

3                 JUDGE MORAN:   Okay.   Well, so let's back  
4     up.   This is February 14th you're saying?

5                 MR. TIDABACK:   Yes, your Honor.

6                 JUDGE MORAN:   And -- And you're asking  
7     him about a conversation?

8                 MR. TIDABACK:   No.

9                 BY MR. TIDABACK:

10                Q     The question was, do you recall what was  
11     occurring at our mine site the day that you -- on  
12     that day that you arrived that morning?

13                A     No, not in particular.

14                Q     Okay.   Do you recall -- Okay.   Do you --  
15     And do you recall in an e-mail that you sent  
16     regarding that day that Mr. Spears was not there  
17     at -- during your inspection?

18                MR. MOLL:   Objection.   Foundation.   I  
19     don't think he's established that Mr. Markeson was  
20     there that day.

21                JUDGE MORAN:   You'll have to rephrase  
22     the question.

1 BY MR. TIDABACK:

2 Q On February 14th, 2023, were you at an  
3 inspection on our site?

4 A I don't recall.

5 Q Let's see here. If we go back through  
6 -- Okay. The morning of the inspection where you  
7 issued a 104(b) order that the mill was locked or  
8 -- the inspectors locked the mill and told Mr. Rob  
9 to not -- no one allowed to go in the mill, do you  
10 remember that day?

11 A Yes.

12 Q Okay. Do you remember anything of that  
13 day that was going on outside of the mill dealing  
14 with the police officers --

15 A No.

16 Q -- Seneca police officers?

17 A I don't -- I didn't even know they were  
18 there that day.

19 Q Okay. Okay. So if a workplace exam was  
20 done saying that all was good and you come in for  
21 your inspection and then you find guarding off any  
22 exposed parts, wouldn't the person who did the

1 workplace exam be at fault?

2 MR. MOLL: Objection.

3 JUDGE MORAN: It's a hypothetical  
4 question that he's asking, and it's something you  
5 can't answer. The -- It's too far flung a  
6 hypothetical to -- to give a -- an absolute answer  
7 to.

8 MR. TIDABACK: Okay.

9 JUDGE MORAN: What you're attempting to  
10 do in a back-door route is to say that Mr. Baumann  
11 was deficient in his responsibilities regarding  
12 guarding. Regarding guarding, that's an awkward  
13 way to express it, but that's what you're  
14 attempting to do. And this inspector can't answer  
15 a question like that because -- because that's not  
16 how you're going to establish that Mr. Baumann was  
17 deficient.

18 The way that the American Tripoli can  
19 potentially do that is to have someone like Mr.  
20 Spears or some other witness testify that Mr.  
21 Baumann's duties included making sure that guards  
22 were in place and that on one or more occasions,

1 this was noted by such individual and that there  
2 was -- to demonstrate the veracity of that, that  
3 there was a record made on the part of American  
4 Tripoli which would have noted this deficiency,  
5 alleged deficiency, on the part of Mr. Baumann.  
6 So this would all be part of American Tripoli's  
7 affirmative defense to the extent that they can  
8 show that.

9 MR. TIDABACK: Correct.

10 JUDGE MORAN: All right. So that  
11 question is -- The objection to the question is  
12 sustained.

13 MR. TIDABACK: Okay.

14 BY MR. TIDABACK:

15 Q Mr. Markeson, do you remember having a  
16 conversation with me and Jordan during one of your  
17 inspections regarding daily inspections?

18 A Yes.

19 Q Okay. Do you remember in the control  
20 room when we were having those discussions the  
21 initial parts of discussions and us pulling this  
22 stack of papers out of the left-hand side of that

1 desk? Do you remember that?

2 A No.

3 Q Okay. So during our conversations about  
4 workplace exams, you stated that they were  
5 deficient in that conversation. Do you remember  
6 that?

7 A The form was deficient.

8 Q Okay. So you do remember the form in --  
9 in the control room?

10 A No.

11 JUDGE MORAN: He's -- Now, let's be fair  
12 here.

13 MR. TIDABACK: Yes.

14 JUDGE MORAN: He's -- He's saying that  
15 the form was deficient. He didn't make a  
16 statement about the inspection workplace exam  
17 being deficient; is that right?

18 THE WITNESS: Correct.

19 JUDGE MORAN: There's a difference  
20 there.

21 BY MR. TIDABACK:

22 Q Okay. So do you remember in the

1 discussion that we were having about workplace  
2 exams that we -- and if I remember correctly --  
3 Testifying. Sorry. Okay.

4 JUDGE MORAN: Again, and I'm telling  
5 you, Mr. Tidaback, if you are trying to say that  
6 Mr. Baumann should have been fired because, among  
7 other reasons alleged, he did insufficient  
8 workplace exams, you do that through your own  
9 witnesses --

10 MR. TIDABACK: Correct. Yes, your  
11 Honor.

12 JUDGE MORAN: -- and not through trying  
13 to snare Mr. Baumann through this inspector.

14 MR. TIDABACK: Correct.

15 JUDGE MORAN: He's there to -- There are  
16 instances, isn't this correct, Inspector, that a  
17 corporate or management person can be held  
18 personally responsible for violations if the  
19 government had -- conducts a 110(c) investigation?

20 THE WITNESS: That is correct.

21 JUDGE MORAN: Okay. So, again, my -- my  
22 point is that wait for you to advance your case



1 through your witnesses. Mr. -- Inspector Markeson  
2 is not in the business of other than what I  
3 mentioned about a 110(c) investigation about  
4 ascribing blame to a particular individual. He  
5 can -- It's spoken more neutrally such as there's  
6 no record of workplace examinations. But they  
7 don't get into the business of, "Oh, the inspector  
8 may say, 'And this condition has been not noted  
9 for several shifts, and it appears to have been an  
10 extensive period of time.'" But they don't get  
11 personal in saying, "And the blame for this  
12 problem is" --

13 MR. TIDABACK: Right.

14 JUDGE MORAN: -- "you know, employee X."

15 MR. TIDABACK: Correct, your Honor.

16 JUDGE MORAN: That's not how it works.

17 MR. TIDABACK: Yes.

18 JUDGE MORAN: So you're not going to get  
19 that from him because that's not part of his  
20 responsibilities, to ascribe blame to a particular  
21 individual.

22 MR. TIDABACK: Correct, your Honor.

1 JUDGE MORAN: So I'm only going to let  
2 you go so far in terms of your cross-examination  
3 of Mr. -- Inspector Markeson, so you're on the  
4 edge here of my -- it's within my authority to say  
5 --

6 MR. TIDABACK: Yes, sir.

7 JUDGE MORAN: -- "That's it."

8 MR. TIDABACK: Yes, sir, and I'm trying  
9 to properly word the questions, your Honor.

10 JUDGE MORAN: I know you are. I know  
11 you're trying, but when you're off -- off the  
12 reservation, so to speak --

13 MR. TIDABACK: Yes, sir.

14 JUDGE MORAN: -- I have to tell you  
15 that.

16 MR. TIDABACK: Yes, sir. Okay.

17 BY MR. TIDABACK:

18 Q Let's see here. And you had mentioned  
19 yesterday in your testimony about the guards  
20 laying -- laying on the ground next to the  
21 machines. Did you ever express to anyone that was  
22 with you to put the guards on?

1           A       Yes.

2           Q       Okay. So in reference to -- Do you  
3 recall our e-mails to Jesse Malessy and you  
4 regarding the miner pay when that 104(b) was  
5 issued?

6           A       I recall there being e-mails.

7           Q       Okay. If you would refer to Exhibit RE  
8 and RF, sorry, RE.

9                   JUDGE MORAN: No, no. I just want to  
10 make sure I don't make an error here. I admitted  
11 RH, Folks, and you had -- the government had no  
12 objection to RH, and now we're on what, sir?

13                  MR. TIDABACK: RE, echo, Romeo dot echo.

14                  JUDGE MORAN: Okay.

15                  BY MR. TIDABACK:

16           Q       Do you recall that e-mail?

17           A       Yes.

18           Q       So the -- In these conversations, you  
19 discussed with us, Mr. Malessy, I think whoever  
20 was in the e-mail --

21           A       Um-hum.

22           Q       -- about the entitlement for miners'

1 pay, correct?

2 A Correct.

3 Q So you were giving clarification to us  
4 about the right thing to do, correct?

5 A Correct.

6 JUDGE MORAN: Let me just interrupt  
7 again. On RE, is it your understanding, Mr.

8 Tidaback, that miners were paid in connection with  
9 this for the time that they were off?

10 MR. TIDABACK: Correct.

11 JUDGE MORAN: Okay. So you didn't  
12 dispute that?

13 MR. TIDABACK: No. No, your Honor.

14 JUDGE MORAN: American Tripoli paid the  
15 miners in connection with the closure of the mine.  
16 Did they get the four hours plus the four hours on  
17 the next shift?

18 MR. TIDABACK: Yes, your Honor. That's  
19 why we were requiring clarification behind that  
20 'cause we just didn't know at the time.

21 JUDGE MORAN: Clarification regarding  
22 what, sir?

1           MR. TIDABACK: Regarding the proper way  
2 to handle that because --

3           JUDGE MORAN: Okay.

4           MR. TIDABACK: -- if we got issued that  
5 nobody could be there at work, "Okay, well, what  
6 does that mean?"

7           JUDGE MORAN: Okay.

8           MR. TIDABACK: So I wanted to --

9           JUDGE MORAN: And did Inspector Markeson  
10 help you out with that?

11          MR. TIDABACK: Yes, he did.

12          JUDGE MORAN: And then ultimately, you  
13 paid it?

14          MR. TIDABACK: Yes.

15          JUDGE MORAN: Okay. So I don't know  
16 what that has to do with Complainant Baumann.

17          MR. TIDABACK: It goes back to Mr.  
18 Baumann saying that we didn't get -- he didn't get  
19 paid before the 104(b) order. That's where it  
20 relates to, that we were getting clarification at  
21 the same exact time that Mr. Baumann was  
22 complaining stating that he wasn't getting paid.

1 JUDGE MORAN: Okay. I consider this  
2 business of the pay to be a side show. It's a  
3 side issue, not -- not critical to my --

4 MR. TIDABACK: Oh.

5 JUDGE MORAN: -- determination in this  
6 case.

7 MR. TIDABACK: Sure. Okay, your Honor.

8 JUDGE MORAN: I do want to alert the  
9 Secretary of Labor, and this is your call, not  
10 mine, but as this proceeding goes along, it might  
11 be necessary, it's your evaluation, not mine, to  
12 call Mr. Baumann on this extensive discussion  
13 about guarding and his responsibilities and  
14 whether there were failures on his part to testify  
15 about that because that has been a theme on the  
16 part of American Tripoli, that he was negligent in  
17 -- in performing his -- if it was part of his  
18 duties in performing those duties. That's  
19 something I'm sure you were aware of anyway, but  
20 -- and we're going to be meeting again.

21 I think that the prediction is pretty  
22 accurate. We'll be meeting back in Joplin, which

1 is a very great place to be. It's a very nice  
2 city, and I don't say that just for the benefit of  
3 the employees. It's a very nice city. I've never  
4 been here before. So all right. Go ahead. Do  
5 you have a few more questions?

6 MR. TIDABACK: Just a few, your Honor.

7 JUDGE MORAN: Okay.

8 BY MR. TIDABACK:

9 Q And as far as you remember, that  
10 conversation about miners' pay was resolved?

11 A As far as I know. I never heard  
12 anything else about it.

13 Q Thank you. Were you -- Are you aware or  
14 were you aware that the company has filed a  
15 complaint against you through MSHA?

16 A No.

17 Q Okay. So can you recall the first time  
18 that you were informed or become aware that we had  
19 requested for you to not return to our mine site?

20 A No.

21 Q Were you ever notified that you were  
22 requested not to come to our mine site?

1           A       No.

2                   JUDGE MORAN: Let me ask this. Have you  
3 been barred by anyone at MSHA from visiting the  
4 mine site?

5                   THE WITNESS: I have been told that I  
6 have to get approval from the district office in  
7 order to return to American Tripoli.

8                   JUDGE MORAN: Okay. When were you told  
9 this?

10                  THE WITNESS: August or September of  
11 2023.

12                  JUDGE MORAN: Of -- Of 2022?

13                  THE WITNESS: 2023.

14                  JUDGE MORAN: 2023.

15                  THE WITNESS: And then I returned to the  
16 mine site in October of 2023 when the district  
17 gave me approval to go there.

18                  JUDGE MORAN: Thank you.

19                  BY MR. TIDABACK:

20           Q       Were you aware that our company had  
21 communication or -- communicated concerns about  
22 you to various levels within MSHA, including your



1 immediate supervisors, administrator of  
2 enforcement and the deputy secretary of operations  
3 of MSHA?

4 MR. MOLL: Objection. Asked and  
5 answered.

6 JUDGE MORAN: I sustain the objection.  
7 Remember now, this is what I alluded to already.  
8 You may ask the question. But under this  
9 collateral/noncollateral principle, that's as far  
10 as it goes. You have to take his answer, and he's  
11 answered these questions.

12 MR. TIDABACK: Okay. Okay.

13 BY MR. TIDABACK:

14 Q So has the complaint against you or  
15 request for you to not return to our mine  
16 influenced your perspective or feelings towards  
17 the company and its operations?

18 MR. MOLL: Objection.  
19 Mischaracterization. It misstates the testimony.

20 JUDGE MORAN: I sustain the objection.

21 MR. TIDABACK: That's all my questions,  
22 your Honor.

1 JUDGE MORAN: Okay. Do we have -- Do  
2 you want a moment to decide about whether you want  
3 to redirect?

4 MR. MOLL: We just have a very brief  
5 redirect.

6 JUDGE MORAN: Court Reporter, are you  
7 getting all of this?

8 (Discussion off the record.)

9 JUDGE MORAN: Go ahead, Attorney Moll.

10 MR. MOLL: Thank you.

11 REDIRECT EXAMINATION

12 BY MR. MOLL:

13 Q Mr. Markeson, you were -- during your  
14 inspections at American Tripoli in 2022 and '23,  
15 you were accompanied by other MSHA personnel; is  
16 that correct?

17 A That's correct.

18 Q And why was that?

19 A After the initial start of the complaint  
20 investigation in February, we were directed to  
21 never go to American Tripoli by ourselves, always  
22 have another MSHA inspector or employee with us.

1 Q And why was that?

2 A That was because Mr. Tidaback tended to  
3 take what we said and twist it and regurgitate it  
4 in a misleading way, so MSHA made the decision to  
5 have another MSHA person there with us so that we  
6 could double up on the notes and confirm,  
7 basically confirm, what each other's interactions  
8 were with the company.

9 Q And did any of the other MSHA personnel  
10 that accompanied you during those inspections at  
11 American Tripoli, did they ever have anything  
12 negative to say about your performance during  
13 those inspections?

14 A No.

15 MR. MOLL: And I'd just like to briefly  
16 go through Exhibits P25 and P26 which we discussed  
17 at the close of yesterday regarding which pages  
18 Mr. Markeson had been questioned on.

19 JUDGE MORAN: Sure. P24? 25?

20 MR. MOLL: P25 and P26.

21 JUDGE MORAN: Okay. Sorry. Of course  
22 they're in different notebooks, aren't they?

1 We'll start with P25.

2 MR. MOLL: I think they're both in the  
3 same notebook.

4 JUDGE MORAN: Oh, they are. You're  
5 right. I'm sorry, so you want to start with P25?

6 MR. MOLL: Yes, your Honor.

7 JUDGE MORAN: Remember I told you that  
8 certain pages were not admitted?

9 MR. MOLL: Yes.

10 JUDGE MORAN: I don't know how you're  
11 going to get them in. You're attempting to get  
12 the other pages in, is that what you're saying?

13 MR. MOLL: I'm just getting him the  
14 pages that Mr. Markeson can identify.

15 JUDGE MORAN: Okay. Fine. Or you're  
16 going to ask him to identify them?

17 MR. MOLL: Yes, yes.

18 JUDGE MORAN: Go ahead.

19 BY MR. MOLL:

20 Q Mr. Markeson, on P25, page 1, do you see  
21 down at the bottom where it says INSP? Were those  
22 your initials?

1           A       Those are my initials.

2           Q       And did you make these notes?

3           A       Yes.

4                   JUDGE MORAN:   Okay.   So I'm going to  
5   trudge along here.   P25, page 1 is admitted if I  
6   didn't say it yesterday.   Go ahead.

7                   BY MR. MOLL:

8           Q       All right.   And turning to the next  
9   page, P25, page 2, are those your initials at the  
10   bottom?

11          A       Yes, they are.

12          Q       And are those your notes?

13          A       They are.

14                  JUDGE MORAN:   Page 2 of P25 is admitted.

15                  BY MR. MOLL:

16          Q       P25, page 3, are those your notes as  
17   well?

18          A       They are.

19                  JUDGE MORAN:   Page 3 from P25 is  
20   admitted.

21                  BY MR. MOLL:

22          Q       P25, page 4, are these your notes?

1           A       They are. They are an electronic --  
2       electronically generated, but they are my notes.

3           Q       I believe -- I believe that's all the  
4       pages.

5                   JUDGE MORAN: I'm sorry?

6           MR. MOLL: I believe that's all the  
7       pages.

8                   JUDGE MORAN: You're right. Yes, but  
9       let me ask. How do you -- How do you know those  
10      are your notes, Inspector Markeson, because I  
11      don't see your initials on that one?

12                  THE WITNESS: No. There's no  
13      requirement for us to initial our electronic  
14      notes.

15                  JUDGE MORAN: How do you recognize this  
16      as being your notes?

17                  THE WITNESS: Couple things, where it  
18      says the person's name and then space dash space  
19      MSHA, you know, like Paul Dunk space dash space  
20      MSHA Keith Markeson space dash space, I'm the only  
21      inspector in the office that puts those spaces in  
22      there. And also, when I read the inspector and

1 mine operators' comments, those are my words from  
2 --

3 JUDGE MORAN: Thank you.

4 THE WITNESS: -- when I wrote it.

5 JUDGE MORAN: Okay. So page 4 of P25 is  
6 admitted. All of P25 is in. Go ahead, Attorney  
7 Moll.

8 MR. MOLL: Thank you, your Honor.

9 BY MR. MOLL:

10 Q Moving on to Exhibit P26, page 2, are  
11 those your initials at the bottom?

12 A They are.

13 Q And so these are your notes?

14 A They are.

15 JUDGE MORAN: P26, page 1 admitted.

16 MR. MOLL: Page 2, your Honor.

17 THE WITNESS: That's page 2.

18 JUDGE MORAN: I'm sorry. Thank you.

19 Did we do page 1?

20 MR. MOLL: We -- We didn't. Those would  
21 be from a different inspector.

22 JUDGE MORAN: Yes. I should have caught

1     that.  The -- another -- The initials on that page  
2     were DP --

3                 MR. MOLL:  Yes, sir.

4                 JUDGE MORAN:  -- someone else.  That's  
5     also on yours.  So P26, page 1, not admitted,  
6     okay, and then you just identified P2, sir.  You  
7     did, didn't you?

8                 THE WITNESS:  I did.

9                 JUDGE MORAN:  Yes.  P2, page -- P26,  
10    page 2 admitted.

11                BY MR. MOLL:

12                Q     Moving on to P26, page 3, are those your  
13    notes?

14                A     They are.

15                JUDGE MORAN:  Admitted.  P26, page 3,  
16    admitted.

17                BY MR. MOLL:

18                Q     And P26, page 4, are those your notes?

19                A     They are.

20                JUDGE MORAN:  Admitted, P26, page 4.

21                BY MR. MOLL:

22                Q     P26, page 5, are those your notes?



1           A       They are.

2                   JUDGE MORAN:   Admitted, P26, page 5  
3 admitted.

4                   BY MR. MOLL:

5           Q       P26, page 6, are those your notes?

6           A       Yes, they are.

7                   JUDGE MORAN:   Admitted.   P -- P26, page  
8 6 admitted.   Now we get into some problems, right,  
9 26, page 7?

10                  MR. MOLL:   Yes, and I believe those are  
11 all the notes Mr. Markeson made.

12                  JUDGE MORAN:   Okay.   So -- So to be  
13 clear, in Exhibit P26, once we get to page 7, and  
14 including page 7, through page 11 of P26, those  
15 are not presently admitted?

16                  MR. MOLL:   Yes, sir.

17                  JUDGE MORAN:   Okay.

18                  MR. MOLL:   Those are all my questions,  
19 your Honor.

20                  JUDGE MORAN:   All right.   Mr. Tidaback,  
21 do you have any additional questions based on the  
22 questions that were --

1 MR. TIDABACK: Yes.

2 JUDGE MORAN: -- proposed to Inspector  
3 Markeson?

4 MR. TIDABACK: Yes, your Honor,  
5 basically, just a comment that Mr. -- Mr. -- about  
6 the notes, the inspector notes that you just  
7 admitted.

8 JUDGE MORAN: Oh, sure. You can ask  
9 questions about his notes.

10 RECROSS EXAMINATION

11 BY MR. TIDABACK:

12 Q Okay. So do you recall the debrief and  
13 do I believe it was the same one, February 14th,  
14 because it was early on in the relationship that  
15 we were building, when I -- when I asked you about  
16 you writing the notes, remember your little thing  
17 you carried on your hip that had all the notes?  
18 You make a --

19 A Yeah, my notebook.

20 Q Thank you. And I asked you, "I see  
21 you're writing notes. What is that for?" Do you  
22 remember going into details about that, about why

1     you wrote the notes?

2             A       Yeah.  Actually, I do remember that  
3     conversation.

4             Q       Okay.  Do you recall stating that the  
5     operators' comments, which you just mentioned,  
6     could be used in testimony?

7             A       No, I don't recall that.

8             Q       Okay.  Do you agree -- Okay.  So the  
9     operators' comments, why -- why would you write  
10    the operators' comments in your notes?

11            JUDGE MORAN:  Well, did -- let me just  
12    -- Help me out.

13            THE WITNESS:  Um-hum.

14            JUDGE MORAN:  Did you -- Did you affirm  
15    that you wrote the operators' comments in your  
16    notes, some of them at least?

17            THE WITNESS:  Yes.

18            JUDGE MORAN:  Okay.  And then his next  
19    question is, why would you write down the  
20    comments?

21            THE WITNESS:  Correct.  Because the  
22    operators' statements to us, most of the time, are

1    how we gather our facts. We ask the operator for  
2    -- you know, "How long has this existed? Did you  
3    know about this condition," stuff like that, and  
4    their comments back to us are what we take as  
5    facts of what the operator's knowledge of a  
6    condition was.

7               JUDGE MORAN: And their assertions as to  
8    what took place?

9               THE WITNESS: Right, right.

10              JUDGE MORAN: Doesn't mean that you have  
11   to adopt it. It just means you're writing down  
12   their position?

13              THE WITNESS: Correct.

14              JUDGE MORAN: Okay.

15              BY MR. TIDABACK:

16              Q     So in that conversation, a little bit  
17   more details, do you agree that this could be the  
18   same as stating "anything you say can and will be  
19   used against you in court"?

20              A     No.

21              JUDGE MORAN: Okay. The answer is in.  
22   Okay. You didn't object, Secretary.

1 MR. TIDABACK: That's how I took it.

2 JUDGE MORAN: What's that?

3 MR. TIDABACK: That is how I took it, so

4 --

5 JUDGE MORAN: Well, no, but now you're  
6 testifying.

7 MR. TIDABACK: Sorry. Sorry. Thank  
8 you, your Honor.

9 JUDGE MORAN: All right. Thank you.  
10 Anything else?

11 MR. MOLL: No further questions, your  
12 Honor.

13 JUDGE MORAN: Okay. And, Inspector  
14 Markeson, I appreciate your testimony here today,  
15 and you are free. Now, we'll conclude this. I  
16 don't know. How are we going to handle this?  
17 First of all, you can't speak to anybody. I think  
18 I mentioned that yesterday, right?

19 THE WITNESS: Yes. And our solicitors  
20 actually told us that on Monday that once the  
21 trial starts, we can't talk to anybody, so --

22 JUDGE MORAN: And that's going to

1 continue until you get word from the Secretary,  
2 and that will be several weeks from today, when  
3 this proceeding is actually over. So it's not  
4 like, well, Friday comes along and now I can talk.  
5 That's not true, okay?

6 THE WITNESS: I understand.

7 JUDGE MORAN: You are to have no  
8 communications with anyone about this testimony or  
9 about this trial, all right?

10 THE WITNESS: I assume I can communicate  
11 with our solicitors to figure out scheduling and  
12 that type of thing?

13 JUDGE MORAN: Of course. Procedural  
14 things like that, not substantive things. Yeah.

15 THE WITNESS: Correct. I understand  
16 that.

17 JUDGE MORAN: All right. Anything else  
18 from the Secretary? Can we -- Any problems  
19 telling Mr. Markeson we've completed his  
20 testimony?

21 MR. MOLL: No, your Honor.

22 JUDGE MORAN: Thanks again. Nice to

1 meet you.

2 THE WITNESS: Thank you, your Honor.

3 JUDGE MORAN: And who will we be having  
4 next?

5 MR. MOLL: The Secretary would call Mr.  
6 Bryan Licklider.

7 JUDGE MORAN: And he is? You can just  
8 tell me who he is. He'll have to testify to it,  
9 but what is his --

10 MR. MOLL: He's an MSHA inspector.

11 JUDGE MORAN: Okay. That's all I wanted  
12 to know. Folks, we're going to take -- It's 9:47.  
13 We're going to take a break, our court reporter as  
14 well, all right, so 10 a.m. Central Time. Do you  
15 understand that?

16 THE VIDEOGRAPHER: Thumbs up.

17 JUDGE MORAN: Okay. Thanks. That  
18 helps. I'll see you all in ten minutes.

19 (Recess)

20 JUDGE MORAN: Okay. We'll go on the  
21 record. Are we on the record? Thumbs up there?

22 THE VIDEOGRAPHER: Thumbs up.

1 JUDGE MORAN: I'm going to swear you in,  
2 sir. You've been identified as -- Inspector, what  
3 is your name?

4 THE WITNESS: Bryan Licklider.

5 JUDGE MORAN: Okay. Please stand up.  
6 Are you able to stand up?

7 THE WITNESS: Yes.

8 JUDGE MORAN: Yes. Please raise your  
9 right hand.

10 Whereupon,

11 BRYAN LICKLIDER

12 was recalled as a witness and, having been first  
13 duly sworn, was examined and testified as follows:

14 THE WITNESS: Yes, sir.

15 JUDGE MORAN: Okay. Thank you. Have a  
16 seat. State your name for the record and spell it  
17 for us.

18 THE WITNESS: Bryan Licklider. It's  
19 B-R-Y-A-N, L-I-C-K-L-I-D-E-R.

20 JUDGE MORAN: All right. Counsel for  
21 the Secretary, go ahead.

22 MR. TIDABACK: Your Honor, I have an



1 objection.

2 JUDGE MORAN: Sure.

3 MR. TIDABACK: The -- the inspection  
4 that Mr. Licklider performed at our location is --  
5 the date is really of no relevance to Mr.  
6 Baumann's termination.

7 JUDGE MORAN: Okay. And I will allow  
8 you to deal with that on cross-examination.

9 MR. TIDABACK: Yes, sir.

10 JUDGE MORAN: All right. And I will  
11 just deal with this as the questions come up. If  
12 I see problems apart from your objection, I -- I  
13 will speak up as well.

14 MR. TIDABACK: Thank you.

15 JUDGE MORAN: Go ahead.

16 MR. MOLL: Thank you, your Honor.

17 DIRECT EXAMINATION

18 BY MR. MOLL:

19 Q Can you, please, state your name for the  
20 record.

21 A Bryan Licklider.

22 Q And where do you currently work?

1           A       At Rolla Mine Safety and Health Safety  
2   Administration.

3           Q       And what's your job title with the Mine  
4   Safety and Health Administration?

5           A       Inspector.

6           Q       Okay. And how long have you held that  
7   job?

8           A       Approximately 11-and-a-half years.

9           Q       Have you ever conducted an inspection at  
10   American Tripoli in Seneca, Missouri?

11          A       Yes.

12                 MR. MOLL: Okay. I'm going to go ahead  
13   and move to Exhibit P26.

14                 JUDGE MORAN: P26?

15                 MR. MOLL: Yes, your Honor.

16                 JUDGE MORAN: Okay.

17                 BY MR. MOLL:

18           Q       And if we could turn to page 7 or --  
19   page 1, actually, of Exhibit P26. Strike that.  
20   Page 7.

21                 JUDGE MORAN: Okay. P26, sir? P26?

22                 MR. MOLL: P -- P26 and page 9. We'll

1 get there eventually.

2 JUDGE MORAN: Get to the finish line,  
3 right?

4 MR. MOLL: Yes.

5 JUDGE MORAN: You can understand that  
6 reference.

7 MR. MOLL: Yes, your Honor.

8 JUDGE MORAN: It's a marathon. Okay.  
9 We're on P26, page 9. Go ahead.

10 BY MR. MOLL:

11 Q Mr. Licklider, do you recognize this  
12 document?

13 A Yes. It's my field notes from that  
14 inspection.

15 Q And how do you know that?

16 A 'Cause this is my handwriting, and  
17 that's my date and -- but it's on paper.

18 Q Okay.

19 JUDGE MORAN: Are your initials on the  
20 bottom of that page?

21 THE WITNESS: Yes, my initials are on  
22 the bottom of that page.

1 MR. MOLL: I'd like to admit that page.

2 JUDGE MORAN: Okay. These are notes  
3 that you made, sir, while inspecting American  
4 Tripoli?

5 THE WITNESS: Yes, sir.

6 JUDGE MORAN: Okay. Any objection?

7 MR. TIDABACK: P26, page 9; is that  
8 correct?

9 JUDGE MORAN: Yes.

10 MR. TIDABACK: No objection to page 9.

11 JUDGE MORAN: P26, page 9 is admitted.

12 MR. MOLL: Thank you, your Honor.

13 JUDGE MORAN: Yes. The Secretary's  
14 keeping a record of these as well.

15 BY MR. MOLL:

16 Q And moving down on the page, on page 9  
17 of Exhibit P26, do you see where it says -- the  
18 line that ends, "2021 outside of office, zero  
19 eight ten"?

20 A Yes. I entered the shop area.

21 Q And so eight ten, would that have been a  
22 time of day, in the morning, whenever you entered

1 the shop area?

2 A Eight ten. Eight ten.

3 JUDGE MORAN: Well, it's in the -- I  
4 think Attorney Moll is directing you to where is  
5 says 0 eight ten on that line. Is that the line  
6 you're referring to, sir?

7 MR. MOLL: Yes, your Honor.

8 THE WITNESS: I'm seeing 0 eight  
9 thirty-five.

10 JUDGE MORAN: Yeah. Why don't you walk  
11 up and point to the area on the exhibit.

12 THE WITNESS: I see two ten.

13 JUDGE MORAN: That's fine.

14 MR. MOLL: Right there.

15 THE WITNESS: Oh, I'm sorry.

16 JUDGE MORAN: That's fine. No problem.

17 Okay. So we had Attorney Moll direct the  
18 witness's attention to that line. Now, your  
19 question, sir, is?

20 BY MR. MOLL:

21 Q Would that have been the time of day  
22 that you entered that shop area?

1           A       That was the time -- 08:10 was the time  
2       that I discovered that fire extinguisher sitting  
3       outside the office. That was out of compliance  
4       with the annual inspection.

5           Q       Okay.

6           A       That was -- The date on that 2021 was  
7       when the last date of the annual -- excuse me, was  
8       the annual inspection on that extinguisher, and  
9       that was the time of day I found that.

10          Q       And would that have been 8:10 in the  
11       morning?

12          A       8:10 a.m., yes, sir.

13          Q       And so did you arrive to the mine prior  
14       to 8:10?

15          A       Yes. I believe it was like at 7:30.

16          Q       Okay. And that would have been -- Would  
17       that have been on the date listed at the top?

18          A       February 14th, yes, sir.

19          Q       Thank you. Of which year?

20          A       2023.

21          Q       Thank you. Now, during your inspections  
22       at American Tripoli in 2022 and 2023, can you

1 describe the behavior of the miners that you  
2 interacted with?

3 A On -- On February 14th?

4 Q Or at any time.

5 A Any time. When I first arrived on the  
6 mine site, it was in the afternoon, like 3:00 in  
7 the afternoon, and I went there for a hazard  
8 complaint is the reason I went there. And so as I  
9 went in the office to discuss the complaint with  
10 Mr. Spears, and I believe Mr. Baumann was there  
11 and another miner by the name of Gage Wheeler, and  
12 discussed the reason for the visit. And then we  
13 went through to the inspection, went out to the  
14 mill area where the complaint was centered toward.  
15 And when I walked in the building, there were  
16 multiple violations as soon as you walked in. It  
17 was very obvious.

18 JUDGE MORAN: Okay. Let me stop. Court  
19 Reporter, this witness is speaking softly. Are  
20 you getting all of this?

21 THE VIDEOGRAPHER: Thumbs up.

22 JUDGE MORAN: Okay. Try and keep your

1 voice up for us, okay?

2 THE WITNESS: Okay. I've got a voice  
3 problem. I've had throat cancer twice.

4 JUDGE MORAN: I'm so sorry.

5 THE WITNESS: Sometimes I do slur, and I  
6 do --

7 JUDGE MORAN: No. You're fine, and I'm  
8 sorry that you've had that issue. I hope that  
9 you're well and continue to stay well. So -- but  
10 do your best to -- isn't it right, Mr. Holt, that  
11 if he moves closer to that microphone right in  
12 front of him? That doesn't help?

13 THE VIDEOGRAPHER: I have the volume  
14 control here.

15 JUDGE MORAN: Okay. But picking up what  
16 he's saying, if he gets a little closer, it  
17 doesn't help?

18 THE VIDEOGRAPHER: No.

19 JUDGE MORAN: All right. Go ahead then.  
20 Let's continue. I'm sorry.

21 BY MR. MOLL:

22 Q And, Mr. Licklider, I believe you



1 mentioned that you met with a couple of miners  
2 while you were at American Tripoli?

3 A Yes.

4 Q Did you have any interactions with any  
5 of the other miners that worked at American  
6 Tripoli?

7 A No.

8 Q Okay. And so with the miners that you  
9 mentioned, what was their behavior like whenever  
10 you were interacting with them?

11 A On the first day, they were -- they were  
12 all a little nervous 'cause that's pretty normal  
13 when MSHA shows up. People get nervous, but I  
14 believe they were glad to see us there or -- see  
15 me there.

16 Q Okay. And why were they glad to see  
17 you?

18 A I think any time you have a hazard  
19 complaint, we really -- the inspector has no idea  
20 whose complaint it is. So when we go on a hazard  
21 complaint, we -- we are very thorough. We try to  
22 do all areas that -- we kind of go around what the

1 complaint says. We don't go directly to them  
2 unless it's a very broad complaint, which this one  
3 was. So we can see whenever we show up and there  
4 are issues that are of concern that miners tend to  
5 be appreciative that we are there.

6 Q Okay. During your inspection, did the  
7 miners ever seem more nervous than is typical in  
8 your experience with other inspections?

9 A Yes.

10 Q And why was that?

11 A I think they were out of fear, fear for  
12 their jobs, fear of retaliation, things like that.  
13 Like I said, normally, they get nervous around  
14 MSHA anyway.

15 Q But in this case, they were more nervous  
16 than usual?

17 A Yes.

18 MR. TIDABACK: Your Honor?

19 JUDGE MORAN: Yes?

20 MR. TIDABACK: Object. He's speaking  
21 for others.

22 JUDGE MORAN: Well, I'm going to sustain

1 the objection. I mean, one can make general  
2 interpretations of someone's behavior such as  
3 someone was aggressive or someone smiled. And  
4 it's also within the ability of most people to  
5 assess whether someone is acting nervously or not,  
6 so I'll -- You've taken that as far as you can,  
7 but I am allowing that, that his impression was  
8 that the miners were nervous and more nervous than  
9 your typical hazard complaint inspection or just  
10 generally?

11 THE WITNESS: More nervous -- More  
12 nervous than a normal inspection.

13 JUDGE MORAN: Okay. So you've carried  
14 that. Now move on to something else.

15 MR. MOLL: Thank you, your Honor.

16 JUDGE MORAN: You understand, I  
17 essentially sustained your objection by limiting  
18 it to what has been expressed, okay? I'm  
19 directing this to Mr. Tidaback.

20 MR. TIDABACK: Yes, your Honor, I  
21 understand. I'm just having a hard time  
22 understanding because he's still giving an opinion

1 of someone else.

2 JUDGE MORAN: Well, he gave an  
3 impression.

4 MR. TIDABACK: Right.

5 JUDGE MORAN: I mean, I can give an  
6 impression of you right now, you know, that you're  
7 standing respectfully, and I'm able to -- If I  
8 were on a witness stand, I can say that in my  
9 interactions with Mr. Tidaback, he was  
10 professional and polite, and those are  
11 impressions. But it's -- I'm not sure how that  
12 advances the case, frankly. That's a different  
13 issue.

14 MR. TIDABACK: Yes, sir. I agree with  
15 you. No complaints.

16 JUDGE MORAN: Okay. You don't take it  
17 the wrong way. Okay. So I don't know. We have a  
18 lot of things here that I might be able to just  
19 breeze over quickly when I write my decision, but  
20 go ahead.

21 MR. MOLL: Thank you, your Honor.

22 BY MR. MOLL:

1           Q     In your experience, Mr. Licklider, is  
2     American Tripoli similar to the other mines you've  
3     inspected?

4           A     No. They're very different.

5           Q     And why is that?

6           A     It seemed when I walked in that there's  
7     a total disregard for safety. I've inspected 11  
8     different states, from the small mom-and-pop  
9     operations to large cement plants and gold lines,  
10    silver mines, selenium mines, salt mines, and I've  
11    never seen a concentration of the amount of  
12    disregard for safety in one location.

13          Q     And during your time inspecting American  
14    Tripoli, did you ever tell anyone at American  
15    Tripoli that you would call the U.S. marshals on  
16    them?

17          A     No.

18          Q     Did you ever threaten anyone at American  
19    Tripoli?

20          A     No.

21          Q     Did you ever tell anyone at American  
22    Tripoli that you would take them to jail?

1           A       No, never.

2           Q       Did you ever -- Did you ever witness any  
3 other MSHA inspectors make any threats towards  
4 anyone at American Tripoli?

5           A       No.

6                   MR. MOLL: Thank you, your Honor. No  
7 further questions.

8                   JUDGE MORAN: Okay. Thank you. Now we  
9 have cross-examination, and I'm reminding you  
10 again about the collateral/noncollateral issue,  
11 okay?

12                  MR. TIDABACK: Yes, your Honor.

13                  CROSS-EXAMINATION

14                  BY MR. TIDABACK:

15           Q       Mr. Licklider, what dates did you  
16 conduct --

17                  THE VIDEOGRAPHER: Your microphone.

18                  JUDGE MORAN: Thank you, Mr. Holt.

19                  THE VIDEOGRAPHER: Yes.

20                  JUDGE MORAN: Let's make sure that  
21 you've got that microphone high enough on your  
22 lapel. And, Court Reporter, can you hear? Go

1 ahead and speak, Mr. Tidaback.

2 MR. TIDABACK: Yes. Can you hear me  
3 now?

4 JUDGE MORAN: Thank you.

5 MR. TIDABACK: Thank you.

6 BY MR. TIDABACK:

7 Q Mr. Licklider, now, what dates did you  
8 conduct the inspection related to this case?

9 A February 13th to, I believe it was,  
10 February 15th, 2023.

11 Q And was that your first visit to  
12 American Tripoli?

13 A No. I've inspected there before.

14 Q When was your last inspection to this  
15 one?

16 A It would have probably been six years  
17 before.

18 Q Six years?

19 A That time, yeah, under a different  
20 ownership.

21 Q Yes, sir. Have you corresponded with  
22 myself, Mrs. Tidaback, Mr. -- either of us before?

1           A       I don't believe so. I've never met you.

2           Q       Yes, sir. No correspondence? No  
3       communications?

4           A       Not that I'm aware of.

5           Q       But you have been in contact with Mr.  
6       Spears, correct?

7           A       Yes.

8           Q       He was the operations manager at the  
9       time?

10          A       Yes.

11          Q       Okay. Did John Spears get in contact  
12       with you after your inspection in February 2023 to  
13       point out specific guards that were needing  
14       rebuilt -- rebuilt or built-up, I think was the  
15       term?

16          A       Would you care to repeat that question?

17          Q       There was discussion in e-mails  
18       regarding a -- the guarding that needed built up.  
19       Do you recall those conversations with the e-mails  
20       from Mr. Spears to you?

21          A       I recall the conversation, yeah.

22          Q       During your inspection that day, did Mr.



1 Spears same frustrated?

2 A Yes.

3 Q Did he say why? What else was going on  
4 that day?

5 A He said he didn't have -- He stated he  
6 didn't have time to fix anything and he needed to  
7 be running production.

8 Q And did he recall that morning dealing  
9 with the police officers? Since you were there  
10 that morning, did you see any of that going on?

11 A I know nothing about that.

12 MR. TIDABACK: Okay. No other  
13 questions, your Honor.

14 JUDGE MORAN: Okay. Anything on  
15 redirect?

16 MR. MOLL: No further questions, your  
17 Honor.

18 JUDGE MORAN: Inspector Licklider, I  
19 appreciate your testimony, sir, and I wish you the  
20 best with your health. Very nice to meet you.

21 THE WITNESS: Same here, sir.

22 JUDGE MORAN: Thank you. We tell all

1 the witnesses, I mean all the witnesses, that  
2 you're not to talk with anyone about this case  
3 other than something like if the Secretary's  
4 attorneys were to say, "You know, we're going to  
5 need you back on a certain day," that's a  
6 procedural matter. But we don't talk about the  
7 substance of the case, and you're not to talk with  
8 anybody about this, okay --

9 THE WITNESS: Okay.

10 JUDGE MORAN: -- until they tell you you  
11 can.

12 THE WITNESS: Not a problem, sir.

13 JUDGE MORAN: Thank you. Very nice to  
14 meet you.

15 THE WITNESS: Thank you.

16 JUDGE MORAN: Okay. We're going to go  
17 off the record for a second here, and you're  
18 excused. Thank you again.

19 (Recess)

20 JUDGE MORAN: Okay. So the Secretary  
21 requested a moment to confer about the case. I  
22 would again note that, and it's the Secretary's

1 call, not mine, it would still be, it seems to me,  
2 appropriate if the Secretary decided that they  
3 weren't going to call any new witnesses but they  
4 still wanted to at this time call Mr. Baumann back  
5 to the stand. I'm not saying one way or the  
6 other, just, it's something I mentioned earlier on  
7 the issue of guarding. And that could come -- For  
8 example, instead, it could come after the defense  
9 that the respondent puts on. Then the Secretary  
10 has the right to -- at the conclusion of the  
11 respondent's case to recall certain witnesses.

12 All right. So now -- So now we're back  
13 on the record. What did you want me to tell me  
14 about additional witnesses, Attorney Moll?

15 MR. MOLL: At this time, the Secretary  
16 will rest our case-in-chief subject to rebuttal.

17 JUDGE MORAN: Subject to rebuttal,  
18 that's the word I was looking for. That's what  
19 we're talking about. If they decide to recall Mr.  
20 Baumann or not, that would be in the nature of  
21 rebuttal testimony.

22 All right. So now the Secretary has

1   rested, okay, subject to rebuttal. And this is --  
2   Don't take this the wrong way in any way. I'm  
3   just trying to figure out, do you have any sense,  
4   and you might not, about the length of time it  
5   will take to put on your case? Might we conclude  
6   today, or your testimony will be brief, or you  
7   don't know?

8               MR. TIDABACK: Honestly, your Honor, I  
9   do not think it can be completed today.

10              JUDGE MORAN: Okay. That's fine, and  
11   I've already indicated that. Happy to come back  
12   to -- to Joplin. It's very nice. All right. So  
13   now are we ready to begin?

14              MR. TIDABACK: I do have a question.  
15   The Secretary had Mr. Spears as a witness. Is he  
16   going to be called? I don't know.

17              JUDGE MORAN: No. They've rested, so --

18              MR. TIDABACK: So they're not calling?

19              MS. O'REILLY: I would say we may call  
20   Mr. Spears in rebuttal, so we do -- would like him  
21   to still be under the Subpoena that we issued him  
22   until -- until such time we start our rebuttal.

1 JUDGE MORAN: That's entirely  
2 appropriate. They've rested for now subject to  
3 rebuttal, okay?

4 MR. TIDABACK: Okay. Is he still here?  
5 That's what I'm -- Is he here?

6 JUDGE MORAN: I don't know.

7 MS. O'REILLY: Mr. Spears is still  
8 present here. He appeared, you know, under the  
9 Subpoena, and he is still here. You know, we're  
10 not sure exactly how the respondent's case will  
11 proceed, so we don't know if we will get to him  
12 today. We're not really sure how we'll proceed  
13 through the day, but it does appear --

14 JUDGE MORAN: If it does develop?

15 MS. O'REILLY: Exactly.

16 MR. TIDABACK: So I can call Mr. Spears  
17 since he's here?

18 JUDGE MORAN: You can call Mr. Spears as  
19 a witness, yes.

20 MR. TIDABACK: So that's -- I would like  
21 to call Mr. Spears.

22 JUDGE MORAN: You're going to call that

1 as your first witness?

2 MR. TIDABACK: Yes, your Honor.

3 JUDGE MORAN: Okay.

4 THE VIDEOGRAPHER: Microphone.

5 MR. TIDABACK: Is he in the break room?

6 MS. O'REILLY: He is in the witness  
7 room. He's right in the first witness room right  
8 behind Mr. Tidaback.

9 MR. TIDABACK: Sorry, your Honor. It's  
10 my first time ever calling a witness, so --

11 JUDGE MORAN: Sure. Come on up here,  
12 Mr. Spears. We're going to have to put you on the  
13 witness stand. Careful of that tripod, you don't  
14 hit that, okay? So far, it's not collapsed.  
15 We've got a few more witnesses to go. Right  
16 around here. Yep. You'll make a left turn there,  
17 and the court -- videographer is going to --  
18 higher. Yeah. There you go. I'm going to swear  
19 you in, so please stay standing for a second,  
20 okay?

21 THE WITNESS: Yes, sir.

22 JUDGE MORAN: Are we ready? Okay.

1 Please raise your right hand, sir. I'm Judge  
2 William Moran. Nice to meet you.  
3 Whereupon,

4 JOHN ROBERT SPEARS  
5 was called as a witness and, having been first  
6 duly sworn, was examined and testified as follows:

7 JUDGE MORAN: Okay. Have a seat,  
8 please, and state your name for the record and  
9 spell it for us.

10 THE WITNESS: John Robert Spears,  
11 Spears, S-P-E-A-R-S.

12 JUDGE MORAN: Go ahead, Mr. Tidaback.

13 DIRECT EXAMINATION

14 BY MR. TIDABACK:

15 Q Morning, sir.

16 A Good morning, sir.

17 Q Can you describe the scope of your roles  
18 and responsibilities at the mine, especially in  
19 light of high employee turnover and other  
20 challenges that the company has actually faced?

21 JUDGE MORAN: So just for the record, I  
22 mean, I could insist that he first identify his

1 employment. Can we stipulate that Mr. Spears --  
2 Mr. Spears, you work, have worked and presently  
3 work, at American Tripoli?

4 THE WITNESS: Yes, sir.

5 JUDGE MORAN: Okay. And this is some of  
6 the preliminary stuff before you ask him questions  
7 --

8 MR. TIDABACK: Yes, your Honor.

9 JUDGE MORAN: -- because we need to  
10 identify him. Do you know your period of  
11 employment? Are you employed presently at  
12 American Tripoli?

13 THE WITNESS: Yes, sir.

14 JUDGE MORAN: And what location?

15 THE WITNESS: Seneca, Missouri.

16 JUDGE MORAN: Okay. At the mill?

17 THE WITNESS: Well, as the operations  
18 manager, I'm the seer of -- you know, the overseer  
19 of the mill, the drying sheds and the quarry.

20 JUDGE MORAN: Okay. Thank you. And  
21 your period of employment, when did you -- do you  
22 recall when you began working approximately?



1 THE WITNESS: August of 2022.

2 JUDGE MORAN: August of 2022. And  
3 you're presently employed with them now in the  
4 same role that you just described?

5 THE WITNESS: Yes, sir.

6 JUDGE MORAN: Okay. Now you can ask  
7 your questions.

8 MR. TIDABACK: Sorry, your Honor.

9 BY MR. TIDABACK:

10 Q Again, can you describe the scope and  
11 role of your responsibilities at the mine?

12 A I oversee the activities of the  
13 processing mill as well as the drying shed area  
14 and the quarry itself.

15 Q So just so the Court understands, we  
16 have the admin building, correct?

17 A Yes.

18 Q And we have the mill which is  
19 approximately 15 feet from the admin building,  
20 correct?

21 A Yes.

22 Q And then that is one location. That is

1 our --

2 JUDGE MORAN: You're testifying.

3 MR. TIDABACK: Oh, yes.

4 JUDGE MORAN: You said "one location."

5 You can say, "Is that one location?"

6 MR. TIDABACK: Correct.

7 JUDGE MORAN: Fill it in. Go with the

8 rest.

9 BY MR. TIDABACK:

10 Q Is that one location?

11 A Yes.

12 Q Okay. Then we have the quarry out in  
13 Oklahoma, correct?

14 A Yes, sir.

15 Q Has there been a lot of employee  
16 turnover since your tenure at American Tripoli?

17 A Yes, sir.

18 Q How have you balanced the demands of  
19 your operations' role with the additional  
20 responsibilities of maintenance, shift leads,  
21 safety and environmental specialists?

22 MS. O'REILLY: Objection. Facts not in

1 evidence. Assumes facts not in evidence.

2 JUDGE MORAN: I sustain the objection.

3 BY MR. TIDABACK:

4 Q Okay. Have there been times where  
5 maintenance, shift lead, other safety and  
6 environmental positions were needing to be filled  
7 that you had to backfill?

8 A Yes, sir.

9 Q Given the difficulties in obtaining and  
10 retaining maintenance personnel, how have you had  
11 to adapt to ensure that the maintenance needs are  
12 actually met without compromising the operation's  
13 efficiency or MSHA safety?

14 MS. O'REILLY: Objection. Assumes facts  
15 not in evidence.

16 JUDGE MORAN: I sustain the objection.

17 MR. TIDABACK: Can I ask what she's  
18 saying? I didn't hear what she said.

19 MS. O'REILLY: You're assuming a fact.  
20 Your question assumes things that aren't already  
21 in the record. You said something about given the  
22 difficulty. I can't even remember. The beginning

1 part was not facts that are in evidence yet.

2 MR. TIDABACK: I mean, so what -- I  
3 can't hear what she -- what's the -- just your  
4 words? I'm not saying you're wrong.

5 MS. O'REILLY: Objection. Assuming  
6 facts not in evidence.

7 MR. TIDABACK: Assuming facts.

8 JUDGE MORAN: Right. Your question does  
9 assume certain things that he has not yet  
10 testified to. And when you put that in, it's that  
11 old joke about when did you stop beating your  
12 wife, you know. It has to first be established  
13 that a person was -- that's an old canard. No  
14 one's ever heard of that?

15 MR. TIDABACK: No. Sorry.

16 JUDGE MORAN: Well, that assumes facts  
17 not in evidence. If someone says, "When did you  
18 stop beating your wife," well, let's just turn it  
19 around and modernize it, "When did you stop  
20 beating your husband?" Okay. To make this equal,  
21 it first has to be established that that person  
22 did that. So you haven't established these --

1   these predicate parts to your question.  You  
2   haven't established this with this witness.  And,  
3   therefore, he can't testify because you've assumed  
4   facts not yet in evidence.  I can't give you a  
5   lesson --

6                   MR. TIDABACK:  I understand.

7                   JUDGE MORAN:  -- in law, but you can try  
8   with another question.

9                   BY MR. TIDABACK:

10           Q     Okay.  Were -- Did operations experience  
11   a high turnover --

12           A     Yes, sir.

13           Q     -- of employees?

14           A     Yes, sir.

15           Q     In the maintenance role?

16           A     Yes, sir.

17           Q     The shift lead?

18           A     Yes, sir.

19           Q     Safety and environmental position?

20           A     Yes, sir.

21           Q     Administrative position?  Did you have,  
22   say, an administrator or administrative assistant?

1           A       Yes, sir.

2           Q       Okay. In your experience, was it  
3 difficult in obtaining or retaining experienced  
4 maintenance technicians?

5           A       Yes, sir.

6           Q       With that, how have you adapted -- If  
7 maintenance was not there, who fulfilled that  
8 role?

9           A       I did, sir.

10          Q       Okay. How did you adapt to ensuring  
11 that the maintenance needs were met without  
12 compromising operational efficiency and MSHA  
13 safety compliance?

14          A       I guess I worked all three of them as --  
15 to the best of my ability.

16          Q       And in your role, if you were doing  
17 maintenance, who backed you up?

18                 JUDGE MORAN: Well, did anyone back you  
19 up if you were doing maintenance?

20                 THE WITNESS: That was in my -- in my  
21 role as --

22                 BY MR. TIDABACK:

1           Q     Sorry. In your operations  
2     administrative role, if you were performing  
3     maintenance performance, who backed you up in your  
4     administrative role?

5           A     Russell Tidaback and Jordan Tidaback.

6           Q     If the shift lead was out, position not  
7     filled, who did that role?

8           A     Sometimes it would be a member of the  
9     mill crew or myself.

10          Q     And when you were doing that, again,  
11     someone else backed you up, correct?

12          A     Yes, sir.

13          Q     At the hierarchy, correct?

14          A     Yes.

15          Q     Okay. So can you provide -- Okay. You  
16     just -- Let's see here. How do you approach --  
17     Okay. Back up.

18                 In your experience, tell us a little bit  
19     about your history as far as training people. Did  
20     you have any prior training to American Tripoli of  
21     training personnel?

22          A     Yes, sir.

1 Q Could you elaborate a little bit on it?

2 A The 18-and-a-half years that I worked  
3 for the Postal Service and the 13-and-a-half years  
4 that I was a Postmaster, I did -- I helped conduct  
5 training for rural carriers, city carriers, as  
6 well as clerks and Postmaster relief personnel.

7 Q So how do you approach training,  
8 educating, mentoring mill associates, especially  
9 considering the varying levels of education that  
10 they had, their work experience and their  
11 leadership experience among our workforce?

12 MS. O'REILLY: I object. That's  
13 assuming facts not in evidence.

14 JUDGE MORAN: I sustain the objection,  
15 and I confess to being confused about the  
16 materiality of these questions in this proceeding.  
17 I -- Mr. Spears' training efforts, mostly with the  
18 Postal Service, I'm not sure how that relates to  
19 this case. Can you explain to me what you're --  
20 what you're intending to show by --

21 MR. TIDABACK: Establishing --

22 JUDGE MORAN: -- testimony about



1 training?

2 MR. TIDABACK: Yes, your Honor.

3 Establishing Mr. Spears' roles and  
4 responsibilities in relation to Mr. -- and  
5 experience related to Mr. Baumann's performance  
6 and incidences that Mr. Spears had to deal with  
7 with Mr. Baumann.

8 JUDGE MORAN: Okay. Why don't you get  
9 to those questions about -- about his interaction  
10 with Mr. Baumann. Let's get to that.

11 BY MR. TIDABACK:

12 Q So Mr. Baumann expressed to you multiple  
13 times about why we shouldn't add more feed into  
14 the system?

15 A Yes, sir.

16 Q Can you elaborate on that?

17 A Only one particular instance, you know,  
18 with the weather being hot and having to hand  
19 stack our -- our product.

20 Q Okay. Did you ever provide reasoning  
21 why we should provide more feed to the mill?

22 A Well, that our -- to meet our production

1 goals.

2 Q Did you assist in monitoring those  
3 production goals?

4 A Yes, sir.

5 Q Okay. Did you also assist in monitoring  
6 dust?

7 A Yes, sir.

8 Q Have you ever -- Have you ever told or  
9 did you specifically tell Rob not to talk to MSHA  
10 either in person or in chat?

11 A No, sir.

12 JUDGE MORAN: An we don't want to be too  
13 informal here. When Mr. Tidaback says, "Have you  
14 ever told Rob," do you understand that he's  
15 referring to Mr. Baumann?

16 MR. TIDABACK: Oh, sorry.

17 THE WITNESS: Yes, sir.

18 JUDGE MORAN: Okay. So let's stick with  
19 -- Let's get away from the first names, which  
20 we've been doing throughout this hearing --

21 MR. TIDABACK: Yes, sir.

22 JUDGE MORAN: -- just so we don't have

1 any confusion in the record.

2 MR. TIDABACK: Roger. Okay.

3 JUDGE MORAN: So you never told Mr.  
4 Baumann not to speak with MSHA? Is that your  
5 testimony?

6 THE WITNESS: That is correct.

7 BY MR. TIDABACK:

8 Q Okay. Did you ever get onto (sic) Rob  
9 or any shift lead for not getting, let's just say,  
10 the 40,000 pounds produced if the mill were shut  
11 down?

12 A No.

13 Q Well, why would they?

14 JUDGE MORAN: I'm sorry?

15 BY MR. TIDABACK:

16 Q Why wouldn't you?

17 A Because the mill was shut down by an  
18 outside party.

19 Q Okay. So did MSHA usually come on-site  
20 to terminate citations?

21 A Just to terminate?

22 Q Just to terminate.

1           A       Occasionally.

2           Q       Okay. Have they ever done them over  
3 e-mail or phone?

4           A       Yes, sir.

5           Q       What has been your experience been like  
6 during MSHA inspections?

7           A       Well, in the beginning, it was fairly  
8 casual with the -- with the inspectors that I was  
9 first acquainted with. But then after -- then  
10 after that particular, Mr. Van Dorn, when he was  
11 there, you know, and then after the new inspectors  
12 that I became acquainted with, it just became  
13 more, what I would -- you know, not necessarily  
14 hostile, personal but very hostile towards trying  
15 to run things through the 30 CFR and just being  
16 more self-opinionated about what -- how they  
17 interpreted the 30 CFR.

18          Q       Okay. And you mentioned the 30 CFR. So  
19 before -- Were you previously aware of what a  
20 miners' -- what a miners' rep was?

21          A       Yes.

22          Q       Did Mr. Baumann notify you -- Did Mr.

1 Baumann personally notify you that he was a  
2 miners' rep?

3 A He mentioned something about being a  
4 miners' rep, but I never received any other -- any  
5 other paperwork or any other notification from  
6 MSHA.

7 Q Do you recall when that was in time?

8 JUDGE MORAN: Well, he said he never  
9 received any other communication, but you said  
10 that Mr. Baumann mentioned it to you?

11 THE WITNESS: Yes. Yes, he did.

12 JUDGE MORAN: Well, are you stating that  
13 no MSHA inspector ever informed you that Mr.  
14 Baumann was now the miners' rep?

15 THE WITNESS: That is correct, sir.

16 JUDGE MORAN: No one ever told you?

17 THE WITNESS: No, sir.

18 JUDGE MORAN: So the only source that  
19 you learned that Mr. Baumann was a miners' rep was  
20 through Mr. Baumann?

21 THE WITNESS: Yes, sir.

22 JUDGE MORAN: Okay.

1 BY MR. TIDABACK:

2 Q Did Mr. Baumann provide you a document  
3 just in conversation walking by? How did he  
4 notify you?

5 A Not that I can remember.

6 Q Do you recall ever cutting off a  
7 lockout/tagout lock that wasn't yours?

8 A No, sir, I have not.

9 Q Do you feel that you created a type of  
10 environment where miners may be fearful to bring  
11 issues forward to you or to MSHA?

12 A No, sir.

13 Q Have you ever been accused of anything  
14 like that before?

15 A No, sir.

16 Q Have there been events where you cooked  
17 brisket or the staff or the -- the miners?

18 A Sure. Yes.

19 MS. O'REILLY: Objection, your Honor.

20 JUDGE MORAN: I'm going to allow the  
21 question. I don't -- that question, but, you  
22 know, we're not going to get into details about

1     brisket.

2                   MR. TIDABACK:   Yeah.   I know.   No, your  
3     Honor.   That was to establish that Mr. Spears --

4                   JUDGE MORAN:   I understand.   I  
5     understand your purpose.

6                   BY MR. TIDABACK:

7           Q     Okay.   Do you feel that you have gone  
8     out of your way to work -- to create a working  
9     environment where people want to come to work with  
10    you?

11          A     Yes, sir.

12          Q     Okay.   So in navigating -- Have there  
13    been specific challenges, successions in the  
14    training dealing with MSHA and fostering a culture  
15    of safety compliance with the MSHA standards?

16          A     As far as?

17          Q     Has the -- Has the culture gotten better  
18    during your employment?

19          A     I believe so.

20          Q     When you first started, did we have a  
21    safety environmental person working there?

22          A     Yes, we did.

1 Q What was that person's name?

2 A Bonnie Bainter.

3 Q Do we currently have a safety person?

4 A As of today, yes, sir.

5 Q Correct.

6 JUDGE MORAN: You mean literally as of  
7 today?

8 THE WITNESS: As of today, yes, sir.

9 JUDGE MORAN: Okay.

10 BY MR. TIDABACK:

11 Q So you've navigated interactions with  
12 MSHA dealing with inspectors. Okay. How do you  
13 manage these interactions to maintain compliance  
14 and to protect the miners' interests?

15 MS. O'REILLY: Objection. Assumes facts  
16 not in evidence.

17 JUDGE MORAN: I sustain the objection.

18 MR. TIDABACK: Sorry.

19 BY MR. TIDABACK:

20 Q So has a miner ever experienced to you  
21 their concerns about their jobs, displaying their  
22 fear of MSHA inspectors?



1 A Yes.

2 Q Mr. Markeson specifically?

3 A Yes.

4 Q Given the complaints from the mill  
5 associates, what have you done to address those  
6 concerns and underlining issues?

7 MS. O'REILLY: I'd object to the  
8 characterization of "mill associates." He's had  
9 one. I mean, he didn't elaborate that there were  
10 more than one.

11 JUDGE MORAN: No. I'm going to overrule  
12 that objection.

13 BY MR. TIDABACK:

14 Q Just to clarify, how many mill  
15 associates do we have?

16 A Currently, we have four.

17 Q Is that kind of basically always the  
18 number? I mean, does it range from 20 to 4, or  
19 what's that average number?

20 A 4 to 6 --

21 Q Okay.

22 A -- associates.

1 Q Very small, correct?

2 A Yes.

3 Q Reflecting on these challenging periods  
4 you have dealt with in your role in trying to  
5 navigate them with high employee turnover,  
6 equipment breakdowns, the different federal  
7 organizations, what have been your key learnings  
8 and takeaways in these experiences?

9 MS. O'REILLY: Objection. Assumes facts  
10 not in evidence.

11 JUDGE MORAN: I sustain the objection.

12 MR. TIDABACK: Okay. Sorry.

13 BY MR. TIDABACK:

14 Q During -- During your tenure with  
15 American Tripoli, how would you characterize Mr.  
16 Baumann in relationship with you being his direct  
17 supervisor?

18 A I thought we got along pretty well.

19 Q Did Mr. Baumann ever raise his voice,  
20 curse at you, basically be disrespectful to you as  
21 your -- as your subordinate?

22 A Not to me personally, no.

1           Q     Did he ever show anger, haste, stomp his  
2 feet, get mad at anything you directed him that we  
3 needed to do?

4           A     Yes, sir.

5           Q     How would you -- how would you -- How  
6 would you characterize the -- the operations with  
7 Mr. Baumann as the shift lead?

8           A     I felt that he was conscientious about  
9 trying to -- you know, trying to get our product  
10 produced.

11          Q     And during the time that Mr. Baumann was  
12 the shift lead, were there ever any issues or  
13 complaints that Mr. Baumann brought to you?

14          A     Well, you know, there was always issues  
15 with -- with the equipment, you know, needing to  
16 be repaired, looked after, you know.

17                JUDGE MORAN: So he brought those issues  
18 to your attention?

19                THE WITNESS: Yes, sir.

20                BY MR. TIDABACK:

21          Q     Did Mr. Baumann perform his workplace  
22 exams?

1           A     As far as I know, yes.

2           Q     If the issues were brought to you in the  
3 workplace exam, did we or -- did you pass them out  
4 to maintenance to address them?

5           A     Yes.

6           Q     Any -- Any maintenance-related or  
7 safety-related issues that were brought to you,  
8 you addressed them, correct?

9           A     Yes.

10          Q     Okay. When I say -- Is there any time  
11 that you didn't address a safety or related  
12 concern?

13          A     Not that I'm aware of.

14          Q     When they were talking about guarding,  
15 we got a lot of citations for guarding, why was  
16 the guarding taken off?

17                JUDGE MORAN: See, you -- you jumped  
18 ahead. You have to ask him first, "Were there  
19 issues with guarding?" That would be a question.  
20 Did you have issues at the mill with guarding?

21                THE WITNESS: Occasionally, yes, sir.

22                JUDGE MORAN: Were there instances where

1 the guarding was taken off?

2 THE WITNESS: The guarding in order to  
3 properly do lubrication for it, yes, the guarding  
4 would be taken off.

5 JUDGE MORAN: And were there instances  
6 when the guarding was not placed back on the  
7 machinery after the tag --

8 THE WITNESS: Yes.

9 JUDGE MORAN: -- was done? There were  
10 instances?

11 THE WITNESS: Yes, sir.

12 BY MR. TIDABACK:

13 Q And in that, we received citations for  
14 those, correct?

15 A Yes, sir.

16 Q Okay. If -- In the mill, who would you  
17 be -- whose responsibility is it to ensure that  
18 those guards are there?

19 A The person who was doing the workplace  
20 exam.

21 Q And in the role, whose responsibility is  
22 it to do the workplace exams?

1           A       For the mill, it would be the production  
2 supervisor.

3           Q       The shift lead, production supervisor,  
4 same thing?

5           A       Correct.

6           Q       So if someone was walking around hourly  
7 doing their daily updates and checks and they  
8 noticed the guarding was off, we would assume --  
9 it would be assumed, finding the word, correct me,  
10 that that person would note it in the workplace  
11 exam that there was an issue so that it could be  
12 addressed; is that correct?

13          A       Or should be.

14          Q       Was that constantly done from the shift  
15 lead's position?

16          A       No, sir.

17          Q       If nothing -- If a guard was off,  
18 spillage was on the ground, additional time on the  
19 production schedule was needed, was it ever asked  
20 of you to provide that extra time?

21          A       From --

22          Q       I'm sorry. From the shift lead.

1           A       From the shift lead, you know, not --  
2       not that I -- not that I can remember.

3           MR. TIDABACK:   Trying not to testify.

4           JUDGE MORAN:   We won't let you.

5           MR. TIDABACK:   Yeah.   Thank you, your  
6       Honor.

7           BY MR. TIDABACK:

8           Q       So -- and do you -- Do you consider the  
9       environment that the mill associates worked in  
10      while the machines were running a safe environment  
11      for a manufacturing plant for the equipment we  
12      have with the building being over 100 years old?

13          MS. O'REILLY:   Objection.   Assuming  
14      facts not in evidence.

15          MR. TIDABACK:   It's too much.

16          JUDGE MORAN:   Yeah.   I sustain the  
17      objection.

18          BY MR. TIDABACK:

19          Q       Okay.   Do you think that the mill is  
20      hazardous?   Yeah.   Do you think -- Do you think  
21      the mill in its operations is hazardous?

22          A       It has hazards.

1           Q     It has hazards. Are those hazards  
2 mitigated to where it's safe to work?

3           A     I believe everyone is trying to do their  
4 best to keep those hazards from -- from -- from  
5 becoming, you know, irrelevant. But I would like  
6 to think that people's personal initiative, that  
7 they would want to -- to not be in a position to  
8 be in danger of any -- of any type of equipment  
9 that we have.

10          Q     And with that, has there ever been any  
11 conversation, discussion, text messaging, phone  
12 calls, anything where miners should -- are told  
13 directly that, "You shouldn't -- you are not  
14 allowed to talk to MSHA"?

15          A     No, sir.

16          Q     Okay. And you received the miners'  
17 training just like ever other miner, correct?

18          A     Yes, sir.

19          Q     You receive the annual training just  
20 like every other miner?

21               MS. O'REILLY: Objection. Assuming  
22 facts not in evidence in the last question saying



1     --

2                 JUDGE MORAN: Well, he's asking. He's  
3 asking, but he does put a question mark at the  
4 end. I'm interpreting it as a question. Did you  
5 receive annual training from MSHA?

6                 THE WITNESS: Yes, sir.

7                 JUDGE MORAN: And did you receive other  
8 types of training from MSHA?

9                 THE WITNESS: Yes, sir.

10                JUDGE MORAN: Okay.

11                BY MR. TIDABACK:

12                Q     We use Teams for collaboration and  
13 communication, correct?

14                A     The Teams application --

15                Q     The Teams application.

16                A     -- in Microsoft, yeah.

17                Q     Everybody has access to it, correct?

18                A     Yes, sir.

19                Q     All the files that we have are in Teams,  
20 correct?

21                A     Yes, sir.

22                Q     All the training files?

1           A       Yes, sir.

2           Q       Everybody is shown how to use Teams,  
3 shown how to access the files. Everybody knows  
4 how to use -- Everybody is shown how to use all  
5 the files, correct?

6                   MS. O'REILLY: I object. He's really  
7 roaming into leading the witness and kind of  
8 testifying through his questioning.

9                   JUDGE MORAN: Yeah. You know, I'm still  
10 going to kind of give him some leeway on that.  
11 Were the people at the mill trained how to use  
12 Teams?

13                  THE WITNESS: Yes, sir.

14                  BY MR. TIDABACK:

15           Q       So there would be no reason why people  
16 wouldn't have access to them?

17           A       Yes, sir.

18           Q       24/7 you can access it at home. In  
19 different states, you can access all of our files  
20 anywhere, correct?

21           A       Yes, sir.

22           Q       Computer or phone, right?

1           A       Yes, sir.

2           Q       Okay. And we provide WiFi in the admin  
3 building and in the mill, correct?

4           A       Yes, sir.

5                   JUDGE MORAN: He is appending a question  
6 at the end of some of these statements, okay?

7                   MS. O'REILLY: Right, but it's direct  
8 examination, and he's leading the witness.

9                   JUDGE MORAN: I know.

10                  MR. TIDABACK: What is leading?

11                  JUDGE MORAN: But, you know, it is  
12 possible. I don't know how leading it is. It's  
13 leading, but it does allow -- at the end, he could  
14 say, "No, that's not correct." Okay. Go ahead,  
15 Mr. Tidaback.

16                  MR. TIDABACK: Yeah.

17                  BY MR. TIDABACK:

18           Q       So during -- During the tenure with Mr.  
19 Baumann being the shift lead, were there ever  
20 issues with his performance?

21           A       Yes, sir.

22           Q       Did you ever discuss with Mr. Baumann

1 about these performance issues?

2 A Yes, sir.

3 Q Did you follow our policies and  
4 procedures as far as leading the people underneath  
5 you?

6 JUDGE MORAN: I'm sorry. What did you  
7 say at the end?

8 BY MR. TIDABACK:

9 Q My question is, is he following the  
10 policies that we have in place by managing his  
11 people, managing the personnel that are at  
12 American Tripoli?

13 A The best that I could.

14 Q Do you recall in the employee handbook  
15 when it talks about progressive termination or --  
16 progressive termination? Do you remember that,  
17 the three steps that we have talked about in the  
18 employee handbook?

19 A Yes, sir.

20 MS. O'REILLY: He's testifying.

21 JUDGE MORAN: I'm allowing the question.  
22 So you know there's an employee handbook, and

1     you've looked at it?

2                 THE WITNESS:   Yes, there is, sir.

3                 JUDGE MORAN:   All right.   Are you  
4     familiar with the progressive discipline in that  
5     handbook?

6                 THE WITNESS:   Yes, sir.

7                 JUDGE MORAN:   Okay.   Go ahead, sir.

8                 BY MR. TIDABACK:

9                 Q     Are you familiar also with the Missouri  
10     law that it is an at-will work state?

11                A     Yes.

12                Q     What does the "at-will work state" mean  
13     to you?

14                A     It just means that at any point, the  
15     employer may terminate an employee's employment  
16     with the company.   And, therefore, the employee  
17     can also terminate at any time, you know, for no  
18     -- you know, without giving any reason.

19                MR. TIDABACK:   Okay.   If we could, look  
20     at Exhibit RB, your Honor.

21                JUDGE MORAN:   Okay.   RB, as in boy?

22                MR. TIDABACK:   Yes, your Honor, R, as in

1 Romeo, B, as in boy.

2 BY MR. TIDABACK:

3 Q John, if you have the white book, that  
4 says -- Yes. There's a tab that says "RB."

5 JUDGE MORAN: Tell us when you're at RB,  
6 Mr. Spears.

7 THE WITNESS: I believe I'm there, sir.

8 BY MR. TIDABACK:

9 Q And this document is my personal notes  
10 for leadership?

11 JUDGE MORAN: Well, but see, that's --  
12 now you're testifying.

13 MR. TIDABACK: Oh, I know. I was  
14 explaining to the Court where the document was.

15 JUDGE MORAN: Yeah, but that doesn't  
16 mean that that's established here. You have to  
17 testify that that's what this represents, and you  
18 can't testify yet. You haven't been sworn in.

19 What you can do is you can ask Mr.  
20 Spears if he recognizes this document, and then  
21 you can ask him -- and I really can't be -- This  
22 is not a law school class, okay?

1 MR. TIDABACK: Yes, your Honor.

2 JUDGE MORAN: I think I've been  
3 extremely patient here.

4 MR. TIDABACK: Yeah. I agree.

5 JUDGE MORAN: But you can ask him if he  
6 -- Do you recognize this document that's in front  
7 of you?

8 THE WITNESS: Yes, sir.

9 JUDGE MORAN: And do you know what it  
10 is?

11 THE WITNESS: Yes, sir.

12 JUDGE MORAN: Can you describe what it  
13 is? How is it -- How is it that you recognize it?  
14 Tell me that.

15 THE WITNESS: I -- I have -- I have seen  
16 this -- This is a document that was presented to  
17 me during my deposition.

18 JUDGE MORAN: Okay. So you saw this for  
19 the first time, is that right, in connection with  
20 your deposition?

21 THE WITNESS: I think so. I don't -- I  
22 don't -- I don't remember seeing it before.

1 JUDGE MORAN: And, Mr. Tidaback, you're  
2 representing that this -- these are your personal  
3 notes?

4 MR. TIDABACK: That is correct, your  
5 Honor.

6 JUDGE MORAN: Okay. Well, you -- this  
7 document, you can't get this in through this  
8 witness. You can't get anything about this  
9 document in through this witness. You can ask him  
10 other questions but unrelated to RB. These are  
11 just your personal notes. It means nothing  
12 without you asserting later on perhaps in  
13 testimony that these notes reflect your thoughts  
14 and impressions regarding the complainant, et  
15 cetera. I don't know what purpose you're going to  
16 use them for, but you can't ask more questions of  
17 Mr. Spears about this.

18 MR. TIDABACK: Okay. The reason I was  
19 referencing this document is these are the notes I  
20 made based on our conversation about --

21 JUDGE MORAN: Well, that will come later  
22 if you testify about it.



1 MR. TIDABACK: Okay.

2 JUDGE MORAN: I'm not always going to  
3 give an explanation. I just don't have the --

4 MR. TIDABACK: I understand, your Honor.

5 JUDGE MORAN: It's not my  
6 responsibility. I can just rule and say, "This is  
7 not admitted," or, "This is admitted," without  
8 elaboration as to why.

9 MR. TIDABACK: I understand.

10 JUDGE MORAN: This is not a class here.

11 MR. TIDABACK: I understand 100 percent,  
12 and I apologize.

13 BY MR. TIDABACK:

14 Q Okay. So can you change out -- go to  
15 Exhibit RD, as in David, D, as in David, two Ds.

16 JUDGE MORAN: And tell me when you're  
17 there at RD. You just saw the drill, how we do  
18 this, right? I gave you a mini example. So now  
19 RD, and you know how to proceed, right?

20 BY MR. TIDABACK:

21 Q Explain the top, what it is, so at least  
22 specifically --

1 JUDGE MORAN: No. You're going to ask  
2 him, first question, "Do you have RD in front of  
3 you?"

4 MR. TIDABACK: Correct, your Honor.

5 JUDGE MORAN: "Do you know what this  
6 is?"

7 MR. TIDABACK: Correct.

8 JUDGE MORAN: "How do you know what this  
9 is?" Okay?

10 MR. TIDABACK: Yes, your Honor.

11 JUDGE MORAN: Are you at RD?

12 THE WITNESS: I believe so, sir.

13 JUDGE MORAN: Okay.

14 BY MR. TIDABACK:

15 Q Across the top of page RD as in David,  
16 there's two Ds, RDD. Are you at RDD? Across the  
17 top, it says, "The following is a chat between  
18 Gage Wheeler and John Spears."

19 JUDGE MORAN: Whoa, whoa, whoa. I'm on  
20 RD. You're talking about RDD?

21 MR. TIDABACK: Delta, delta, yes, sir.

22 JUDGE MORAN: Okay. So I'm not there.

1 Were you at RD and not double D?

2 THE WITNESS: I'm at RD, single D.

3 JUDGE MORAN: What?

4 THE WITNESS: Single D.

5 JUDGE MORAN: Yeah, so that's not the  
6 exhibit you're asking him about?

7 MR. TIDABACK: No, your Honor, double  
8 Ds.

9 JUDGE MORAN: So you have to flip  
10 through your binder until we come to R double D.

11 BY MR. TIDABACK:

12 Q Are you at RDD at the top where it says,  
13 "Following is the chat between Gage" --

14 A Yes.

15 Q Okay. This -- You're familiar with the  
16 chats group if they were printed out? I don't  
17 know if you've seen printed chats or not.

18 A Yes.

19 Q Okay. So you can see in this one that  
20 it's, on the very top line on February 14th, John  
21 Spears, 2/14 at 6:35 a.m.?

22 A Yes, J.S.

1 Q J.S. would be you?

2 A Yes.

3 Q And since it is my account that printed  
4 these off for this exhibit, the bubbles on the  
5 right, if it was in color, would be a darker  
6 shade. It doesn't have my -- my initials.

7 JUDGE MORAN: You're testifying, sir.

8 MR. TIDABACK: I was explaining that.

9 Okay.

10 JUDGE MORAN: Ask him. You can try and  
11 ask him some questions about this. Have you seen  
12 this document before?

13 BY MR. TIDABACK:

14 Q Mr. Spears?

15 A Have I seen this document?

16 JUDGE MORAN: Yeah, R double D.

17 THE WITNESS: Not that I can remember.

18 BY MR. TIDABACK:

19 Q In a printed form. Is this -- Is this a  
20 chat that you would have had?

21 A Yes.

22 Q Okay. In this first bullet, you said,

1 "Gage Wheeler, do not question about the -- about  
2 the that the MSHA inspector may have. Do not go  
3 into the mill. I'll be the person who talks to me  
4 inspector." Do you agree that's your statement?

5 A Yes.

6 MS. O'REILLY: Object.

7 MR. TIDABACK: Oh, okay.

8 JUDGE MORAN: But the gist of it was  
9 expressed, so I'm allowing the question.

10 BY MR. TIDABACK:

11 Q Okay. The morning of the 14th, were you  
12 also dealing with the Seneca Police Department?

13 A Yes, sir.

14 Q And dealing with the Seneca Police  
15 Department related to another employee being  
16 arrested; is that correct?

17 A Yes, sir.

18 Q So is it safe to assume in that haste of  
19 dealing with the police department, trying to  
20 figure out what's going on, MSHA was at our site,  
21 correct?

22 A Yes, sir.

1           Q     The message that you sent to Gage --  
2     Okay. Let me prelude that question.

3                     Gage Wheeler was our maintenance  
4     personnel at the time, correct?

5           A     Yes, sir.

6           Q     Okay. Did we consider or -- Did you  
7     consider maintenance a very, very critical  
8     position that we were -- had a hard time obtaining  
9     and retaining?

10          A     Yes, sir.

11          Q     Okay. Was Mr. Wheeler initially a  
12     new-hire, critical to you that we keep him happy,  
13     content and wanting to stay employed with us?

14          A     I believe so.

15          Q     Okay. So we didn't want -- did the --  
16     did Gage show you --

17                     Did Mr. Wheeler show you his angst and  
18     attitude towards the MSHA inspectors the days  
19     before February 14th?

20                     MS. O'REILLY: I'm going to object that  
21     he's leading and adding in testimony.

22                     JUDGE MORAN: Yeah. The objection is

1 sustained.

2 BY MR. TIDABACK:

3 Q Yes. Was Gage Wheeler -- You answered  
4 that question.

5 Okay. So the maintenance position is  
6 very important to us. And in this question, is it  
7 safe to assume that you made this in haste dealing  
8 with everything else directed to Mr. Gage and only  
9 Mr. Gage?

10 MS. O'REILLY: Objection. He's leading  
11 the witness again. He's testifying, and he's  
12 assuming facts not in evidence.

13 JUDGE MORAN: I sustain the objection.

14 BY MR. TIDABACK:

15 Q Can you explain this statement that you  
16 made?

17 JUDGE MORAN: Yes. That question's  
18 okay.

19 THE WITNESS: Yes. That particular --  
20 That particular morning knowing that Mr. Wheeler  
21 had not been our employee for any kind of -- a  
22 long time I would --- I would say. I know that's

1 -- And I was probably driving, and so I -- you  
2 know, I didn't have a whole lot of time to  
3 elaborate as to my wishes for -- for Mr. -- Mr.  
4 Wheeler, you know. And so I didn't want any kind  
5 of wrong information, you know, because of Mr.  
6 Wheeler's newness to the company.

7 BY MR. TIDABACK:

8 Q Okay. Did you intend that message to  
9 tell Mr. -- Did you intend that message to  
10 interfere with Mr. Wheeler's rights?

11 A No.

12 MS. O'REILLY: I'd object to scope.

13 JUDGE MORAN: I'll allow the question,  
14 but there are -- there are relevance and  
15 materiality issues here. So I -- I don't know  
16 that I'm going to allow many more questions along  
17 this line.

18 MR. TIDABACK: I'm trying to establish  
19 the interference that the Secretary has claimed  
20 that we were doing based on this group of text  
21 messages or -- the messaging.

22 JUDGE MORAN: Yeah, and he's -- he's



1 just expressed, and I allowed that, that that's  
2 not -- that was not his intention, to interfere  
3 with the MSHA inspection or with communications  
4 with the MSHA inspector.

5 THE WITNESS: No, sir.

6 BY MR. TIDABACK:

7 Q On -- On the second page of that, RDD,  
8 Mrs. Tidaback stepped in. Is it safe to assume  
9 that she had stepped in for clarification, stepped  
10 into the conversation?

11 JUDGE MORAN: We're looking at the  
12 second page, and you're asking him to interpret  
13 whether -- you said "Mrs. Tidaback"?

14 MR. TIDABACK: Yeah, Ms. Tidaback, the  
15 last --

16 JUDGE MORAN: Ms. or Mrs. Tidaback?

17 MR. TIDABACK: Ms., Ms., Ms. Jordan  
18 Tidaback.

19 JUDGE MORAN: You're asking him to  
20 assume -- Do you have any basis to assume who's  
21 come into a conversation by looking at the second  
22 page? Do you understand? Are you able to make

1     that sort of judgment?

2                 THE WITNESS:   As to who -- who has --

3                 JUDGE MORAN:   Who asked you -- I'm

4     sorry.   Go ahead.

5                 THE WITNESS:   Well, I mean, I -- I know

6     by the -- by who it comes from, who that message

7     comes from.

8                 JUDGE MORAN:   Okay.   So the -- You can

9     see what we all can see, that at the bottom of

10    that page, it says "Jordan Tidaback."   Is that

11   what you're referring to?

12                THE WITNESS:   Yes, sir.

13                JUDGE MORAN:   Okay.   And what is your

14   point about that?

15                MR. TIDABACK:   The reason Mrs. Tidaback

16   stepped in the conversation, 'cause Mr. Spears was

17   communicating that he was dealing with the other

18   incident that was dealing with the police

19   officers.

20                MS. O'REILLY:   Objection.   Calls for

21   speculation.

22                JUDGE MORAN:   Yeah.   You -- I sustain

1 the objection. You'll have to move on to  
2 something else.

3 BY MR. TIDABACK:

4 Q Okay. So in -- in the Exhibit R echo,  
5 echo --

6 JUDGE MORAN: Which is the next exhibit?

7 MR. TIDABACK: Yes, your Honor. And I  
8 would like to include the Exhibit RDD as evidence,  
9 your Honor.

10 MS. O'REILLY: And I would object to  
11 that. There is commentary and argument at the top  
12 of this additional to the Teams messages in RDD,  
13 and the actual document that was provided in  
14 discovery was longer. But we wouldn't even agree  
15 to that being admitted because of the extra  
16 commentary, and these messages are covered in P9  
17 and P10 from the Secretary without the commentary.

18 JUDGE MORAN: All right. So -- and --  
19 And do you agree with what Attorney O'Reilly just  
20 said?

21 MR. TIDABACK: No, because she was  
22 provided these documents.

1 JUDGE MORAN: No, no. I'm not saying  
2 "provided," but she says -- she says that in  
3 Exhibits -- What were they again, Attorney  
4 O'Reilly?

5 MS. O'REILLY: P9 and P10.

6 JUDGE MORAN: P9 and P10. She's  
7 represented that what is in RDD appears in P9 and  
8 P10 but in a complete fashion and without  
9 commentary. In other words, it captures  
10 everything in RDD plus more and without commentary  
11 about -- at the top of this. By "commentary," you  
12 mean, Attorney O'Reilly, where it says, "The  
13 following is a chat between those individuals"?

14 MS. O'REILLY: Yes.

15 MR. TIDABACK: Okay. So I'm trying to  
16 decide on P -- Yeah.

17 MS. TIDABACK: Each RDD is --

18 MS. O'REILLY: P9 and P10, you were  
19 looking at those. They're both in the record.

20 MR. TIDABACK: So -- So the Secretary's  
21 exhibits are just P9 and P10. It's broken down to  
22 two. We have RDD as one.

1 MS. SMITH: We have commentary.

2 JUDGE MORAN: And just identify the  
3 commentary, please, Attorney --

4 MS. SMITH: Page 1, there's commentary  
5 that the following is the chat between Gage  
6 Wheeler and John Spears in the maintenance chat  
7 group. Gage Wheeler equals unknown user.

8 MR. TIDABACK: So it's explaining what  
9 the document is.

10 MS. SMITH: By Mr. Tidaback.

11 MS. O'REILLY: I don't know that we  
12 necessarily disagree with that, but I'm just --  
13 that hasn't -- There's no establishment about  
14 where that came from, why that's in there, who  
15 said that.

16 JUDGE MORAN: Here's my ruling. I'm  
17 going to allow RDD into the record but recognize  
18 that a more expansive form of that appears in P9  
19 and P10. You agree with that, correct?

20 MR. TIDABACK: I agree that they're the  
21 same documents.

22 JUDGE MORAN: Well --

1 MR. TIDABACK: So RDD only has the --

2 JUDGE MORAN: I understand.

3 MR. TIDABACK: Yes, your Honor.

4 JUDGE MORAN: But Attorney O'Reilly has  
5 said that everything in RDD is in P9 and/or P10 --

6 MR. TIDABACK: Correct, your Honor.

7 JUDGE MORAN: -- and more.

8 MS. O'REILLY: Might not be more. I  
9 think it might just be the same.

10 JUDGE MORAN: So I'm admitting RDD.

11 (Respondent's Exhibit R-DD was  
12 marked for identification and  
13 received in evidence.)

14 MR. TIDABACK: Thanks, your Honor.

15 BY MR. TIDABACK:

16 Q So -- and R echo, echo, the next page --  
17 you're at R echo, echo?

18 A Yes.

19 Q So this is the discussion about  
20 withdrawal order and miners' pay, and Mr. --

21 JUDGE MORAN: You see, you're  
22 testifying.

1 MR. TIDABACK: Oh, but that was -- that  
2 was --

3 JUDGE MORAN: Can you identify, Mr.  
4 Spears --

5 MR. TIDABACK: Yes.

6 JUDGE MORAN: Do you recognize REE? Are  
7 you on REE?

8 THE WITNESS: Yes, sir.

9 JUDGE MORAN: Do you recognize this?

10 THE WITNESS: Yes, sir.

11 JUDGE MORAN: Have you seen this before  
12 or only in connection with this litigation?

13 THE WITNESS: I've probably seen this  
14 before.

15 JUDGE MORAN: And can you tell me what  
16 it is?

17 THE WITNESS: It is --

18 JUDGE MORAN: Let's start with this. On  
19 the first page, can you identify where it says  
20 "you knew," who that refers to? It says "unknown  
21 user," right, on the top of the page?

22 THE WITNESS: Yes, unknown user.

1 JUDGE MORAN: And so you don't know who  
2 would be sending that message; is that correct?

3 THE WITNESS: No. I mean, I don't -- I  
4 don't know who would send that.

5 JUDGE MORAN: Okay. And for the -- The  
6 colored portion of it that has a gray background,  
7 do you know who that is sent by? It says "unknown  
8 user" again, right? Do you know who sent that?

9 THE WITNESS: No.

10 MR. TIDABACK: The first box, your  
11 Honor, if the user is -- Can I explain it?

12 JUDGE MORAN: No.

13 MR. TIDABACK: Okay.

14 JUDGE MORAN: All right. So I can't --  
15 Based on his answers, I can't consider any  
16 testimony from this witness or questions from this  
17 regarding REE.

18 MR. TIDABACK: Correct, your Honor.  
19 Okay.

20 JUDGE MORAN: All right. Gentlemen,  
21 we're going to take a ten-minute break here. It's  
22 11:05. We're going to resume at 11:15. Before we



1 go off the record, can you give me -- I ask this  
2 in all cases, so I don't want you to feel this is  
3 special treatment here because there is not. Do  
4 you have any estimate of how much more time you'll  
5 need to have a direct examination of Mr. Spears?

6 MR. TIDABACK: Probably less than five  
7 minutes, your Honor.

8 JUDGE MORAN: Okay. All right. So  
9 we'll pick up, and we'll finish that direct  
10 examination, and then if the cross-examination  
11 will go right forth with that. It's 11:06. I'll  
12 see you all at 11:15.

13 (Recess)

14 JUDGE MORAN: Okay. We're back on the  
15 record. So before you conclude with your  
16 questioning, Mr. Tidaback, which you indicated  
17 approximately five more minutes, I have a question  
18 for you. I remember seeing in your disclosure of  
19 witnesses that you indicated -- one thing stands  
20 out that any witness the Secretary may call, that  
21 was one of the witnesses you identified, and  
22 there's no problem with that. But after Mr.

1 Spears is done with his testimony, what other  
2 employee -- what other witnesses were you calling,  
3 including yourself, if you intend to testify?

4 MR. TIDABACK: Just myself.

5 JUDGE MORAN: Just you?

6 MR. TIDABACK: Yes, your Honor.

7 JUDGE MORAN: So is it -- Is it possible  
8 that we might wrap up this proceeding today?

9 MR. TIDABACK: I'm not a gambler, your  
10 Honor.

11 JUDGE MORAN: I think my question is,  
12 that second statement was based on -- once we're  
13 done with Mr. Spears, there's one more witness,  
14 and that's not taking into account any rebuttal  
15 testimony the Secretary may or may not elect to  
16 do. So that's it? That's the universe of your  
17 witnesses?

18 MR. TIDABACK: Yes, your Honor.

19 JUDGE MORAN: Okay. So continue with  
20 your questioning of Mr. Spears, please.

21 BY MR. TIDABACK:

22 Q Mr. Spears, okay, did you ever stop

1 anyone from making a safety complaint?

2 A No, sir.

3 Q Did you ever stop anyone from walking or  
4 talking?

5 A No, sir.

6 Q Were you in the conversation with Mr.  
7 Markeson regarding miners' pay about the -- from  
8 the 104 orders, the e-mail conversation that was  
9 going on?

10 MS. O'REILLY: Objection. He's  
11 testifying.

12 JUDGE MORAN: Right. Why don't you  
13 stick with the original part of the question. Did  
14 you have conversations with Inspector Markeson  
15 about employee pay in connection with the  
16 shutdown?

17 THE WITNESS: I believe we discussed it  
18 a couple -- at one point.

19 JUDGE MORAN: And was your purpose of  
20 that conversation to understand what your  
21 responsibilities were, the miners'  
22 responsibilities were?

1 THE WITNESS: Yes, sir.

2 JUDGE MORAN: And did he -- Did he  
3 inform you about what that was?

4 THE WITNESS: To the best of his  
5 ability, I believe so.

6 JUDGE MORAN: Okay. And this has been  
7 testified to earlier, so I can reference it. My  
8 understanding is that, in fact, the mine did pay  
9 these miners for the time that they were stopped  
10 from working; is that right?

11 THE WITNESS: Yes, sir.

12 JUDGE MORAN: That's your understanding?

13 THE WITNESS: Yes, sir.

14 JUDGE MORAN: Okay. Go ahead.

15 MR. TIDABACK: That's all. That's all  
16 the questions, your Honor.

17 JUDGE MORAN: You're done with your  
18 questions?

19 MR. TIDABACK: Yes, your Honor.

20 JUDGE MORAN: Okay. Thank you.

21 CROSS-EXAMINATION

22 BY MS. O'REILLY:

1           Q     Mr. Spears, prior to testifying today,  
2     have you learned anything about what has happened  
3     in this hearing so far?

4           A     No, ma'am.

5           Q     And you are the operations manager at  
6     American Tripoli, correct?

7           A     Yes, ma'am.

8           Q     And you have been employed there since  
9     August of 2022; is that correct?

10          A     Yes, ma'am.

11          Q     And Russell Tidaback is your boss,  
12     correct?

13          A     Yes, ma'am.

14          Q     And you kept Mr. Tidaback regularly  
15     updated about what was going on at the mine,  
16     correct?

17          A     Yes, ma'am.

18          Q     And you did this primarily by speaking  
19     to Mr. Tidaback via Messages on Microsoft Teams;  
20     is that correct?

21          A     Yes, ma'am.

22          Q     And you have authority at American

1 Tripoli to discipline employees, correct?

2 A Yes, ma'am.

3 Q You never disciplined Mr. Baumann while  
4 he was an employee at American Tripoli, correct?

5 A Yes, ma'am.

6 JUDGE MORAN: "Yes, ma'am, that's  
7 correct," you never disciplined him?

8 THE WITNESS: Not that I can remember.  
9 I don't remember ever doing any kind of a  
10 counseling notice or a write-up or anything like  
11 that.

12 JUDGE MORAN: Thank you. See, sometimes  
13 a "yes" answer can be confusing. That's why I  
14 asked for clarification.

15 THE WITNESS: Yes.

16 BY MS. O'REILLY:

17 Q You have given written discipline to  
18 other miners at American Tripoli, correct?

19 A Yes, ma'am, I have.

20 JUDGE MORAN: And have they been written  
21 disciplines or other forms?

22 THE WITNESS: Written discipline.

1 JUDGE MORAN: Okay.

2 BY MS. O'REILLY:

3 Q You have never -- You personally have  
4 never been disciplined while working at American  
5 Tripoli, correct?

6 A No, ma'am.

7 Q And it is your understanding that Mr.  
8 Baumann was terminated for production issues; is  
9 that correct?

10 A Yes, ma'am.

11 Q Earlier, you testified about, I believe,  
12 Mr. Baumann had expressed to you that meeting  
13 production quotas was too hard on the mill  
14 associates; is that correct?

15 A Yes, ma'am.

16 Q And he expressed that it was hard on the  
17 mill associates in that Mr. Baumann thought  
18 meeting the production quotas was not safe for the  
19 mill associates, correct? That was Mr. Baumann's  
20 thought or belief?

21 A I don't know whether he thought it was  
22 safe or not.

1           Q     Did he communicate that to you, though,  
2     that he thought it was unsafe for the mill  
3     associates to meet the production quotas?

4           A     Not as far as something being --  
5     specifically saying it was not safe, but he said  
6     he just didn't want to push the -- push the  
7     employees, you know, the mill associates any --  
8     you know, any harder than what -- you know, than  
9     what he thought, you know, the conditions, you  
10    know, would permit.

11          Q     Speaking of the production demands, the  
12    production demand for Mr. Tidaback was 40,000  
13    pounds per day; is that correct?

14          A     Yes, ma'am.

15          Q     However, that production demand of  
16    40,000 pounds has only been met about 20 to 30  
17    times in your entire time at the American Tripoli;  
18    is that correct?

19          A     I would say that's a fair number.

20          Q     And other than those 20 to 30 times, you  
21    did not meet that production quota regardless of  
22    who held the title of production supervisor,



1 correct?

2 A Yes, ma'am.

3 Q You walked around with MSHA inspectors  
4 during their inspections of the mine, correct?

5 A Yes, ma'am.

6 Q And you have seen Mr. Baumann speaking  
7 to MSHA inspectors, correct?

8 A Yes, ma'am.

9 Q And earlier, I think you testified, I  
10 just want to clarify, Mr. Baumann informed you he  
11 was a miners' rep before he was terminated?

12 A Yes, ma'am.

13 Q Whenever there was an MSHA inspection at  
14 the mine, you would notify Mr. Tidaback, correct?

15 A Yes, ma'am.

16 Q You never hired anyone to replace Mr.  
17 Baumann before he was terminated, correct?

18 A No, ma'am, not that I'm aware of.

19 Q So you did not hire someone before Mr.  
20 Baumann was terminated --

21 A No.

22 Q -- to replace him?

1 A No.

2 Q You walked around the mine on a daily  
3 basis. You walk around the mine on a daily basis  
4 while you're at work, correct?

5 A Yes, ma'am.

6 Q And you could have found the safety  
7 issues cited by MSHA when you walked around the  
8 mill, correct?

9 A Yes, ma'am.

10 MS. O'REILLY: No further questions.

11 JUDGE MORAN: Anything on redirect, sir?

12 REDIRECT EXAMINATION

13 BY MR. TIDABACK:

14 Q Mr. Spears, you stated that you never  
15 disciplined any miner. Did you verbally  
16 discipline any miner?

17 MS. O'REILLY: Misstates the testimony.

18 JUDGE MORAN: Rephrase the question.

19 Sustain the objection.

20 BY MR. TIDABACK:

21 Q Did you ever verbally discipline an  
22 employee, talk to them?

1           A       Yes.

2           Q       Sorry.

3                   JUDGE MORAN: Let him answer the  
4 question. Did you ever verbally discipline an  
5 employee?

6                   THE WITNESS: Yes.

7                   BY MR. TIDABACK:

8           Q       Do you recall what the termination  
9 letter stated for Mr. Baumann? Was it for  
10 performance, or was it for production?

11                   MS. O'REILLY: He is testifying and  
12 assumes facts not in evidence.

13                   JUDGE MORAN: No. I'll allow the  
14 question.

15                   MR. TIDABACK: Do you need a reference?

16                   JUDGE MORAN: Are you aware there was  
17 termination letter?

18                   THE WITNESS: Yes, sir.

19                   JUDGE MORAN: What is the reason you  
20 thought Mr. Baumann was terminated? What is your  
21 understanding?

22                   THE WITNESS: Performance.

1 JUDGE MORAN: For performance?

2 THE WITNESS: Yes, sir.

3 JUDGE MORAN: Not for production, or do  
4 you mean by production?

5 THE WITNESS: Well, I -- you know, I  
6 guess performance/production, you know. If your  
7 -- If your production's not showing what it's  
8 supposed to be, then it would be your performance  
9 toward that goal.

10 JUDGE MORAN: So are you telling me, are  
11 you telling us, that your evaluation of Mr.  
12 Baumann's -- You tell me if this is right now. Is  
13 your evaluation of Mr. Baumann's performance based  
14 upon production?

15 THE WITNESS: I'm not understanding the  
16 question, sir.

17 JUDGE MORAN: Well, you said that --  
18 Wasn't the gist of your answer a minute ago that  
19 the line between performance and production, they  
20 sort of cross one another, that they're related?

21 THE WITNESS: Yes, sir.

22 JUDGE MORAN: Okay. So now I'll ask you

1     again.   Was -- Was your evaluation of Mr.  
2     Baumann's performance related to the -- meeting  
3     production goals?

4                 THE WITNESS:   I would say that would be  
5     part of it, yes, sir.

6                 JUDGE MORAN:   And what would be the  
7     other part of it?

8                 THE WITNESS:   I would say it was his,  
9     Mr. Baumann's, reluctance to -- to try to meet  
10    that production goal due to whatever circumstances  
11    in the mill that he thought was relevant at the  
12    time.

13                JUDGE MORAN:   Okay.

14                BY MR. TIDABACK:

15                Q     You stated that we didn't hire any  
16    individuals to replace Mr. Baumann.   Did we  
17    discuss having to let Mr. Baumann go?

18                A     We did.

19                Q     And were these conversations months  
20    before his termination?

21                A     No.

22                Q     There were no conversations even in 2022

1 of having --

2 JUDGE MORAN: I believe he just answered  
3 that question. He said, "No."

4 MR. TIDABACK: So I'm just going --  
5 Okay. That's all, your Honor.

6 MS. O'REILLY: One clarification.

7 JUDGE MORAN: Well, you're not limited  
8 to one.

9 MS. O'REILLY: I think it's one.

10 RECROSS EXAMINATION

11 BY MS. O'REILLY:

12 Q Mr. Spears, it sounds like your only  
13 complaint with Mr. Baumann as an employee was that  
14 you believed he did not meet the production  
15 demands, correct?

16 A That's not my only complaint.

17 Q Do you -- So you're stating that you  
18 have more than just a complaint about him meeting  
19 production demands?

20 A Yes.

21 Q Do you recall having your deposition in  
22 this case?

1           A       Yes, ma'am, I remember.

2                   JUDGE MORAN: Is this an admitted --  
3 previously admitted exhibit?

4           MS. O'REILLY: Yes.

5           JUDGE MORAN: Okay.

6           BY MS. O'REILLY:

7           Q       And you gave that deposition on January  
8 30th?

9           A       Yes, ma'am.

10          Q       And you understood that you were under  
11 oath during that deposition?

12          A       Yes, ma'am.

13          Q       And that that deposition was given  
14 before a court reporter, correct?

15          A       Yes, ma'am.

16          Q       I'm going to have you refer to Exhibit  
17 P44 and go to page, well -- it would be a  
18 document.

19                   JUDGE MORAN: First time we're getting  
20 to Tab 3. P44?

21           MS. O'REILLY: Yeah. And Ms. Smith is  
22 going to direct him to the correct notebook.

1 JUDGE MORAN: Thank you.

2 THE WITNESS: Volume three there. Okay.

3 JUDGE MORAN: So help me save some time  
4 for you. What page on P44 are you going to be  
5 asking him about or pages?

6 MS. O'REILLY: It'll be page 9 of P44,  
7 and that's the page at the bottom, not the  
8 deposition transcript page.

9 JUDGE MORAN: Okay. You're talking  
10 about the page number that the Secretary has  
11 inserted?

12 MS. O'REILLY: Yes.

13 JUDGE MORAN: Okay. Page 9.

14 MS. O'REILLY: And then we're looking at  
15 deposition transcript page 29. You'll see there's  
16 four different boxes --

17 JUDGE MORAN: I do see that.

18 MS. O'REILLY: -- on 29 and then lines  
19 14 through 18.

20 JUDGE MORAN: Okay. So take a moment,  
21 Mr. Spears. Do you see page 29 on page 9 of  
22 Exhibit P44?



1 THE WITNESS: Yes, your Honor.

2 JUDGE MORAN: Okay. So the Secretary  
3 wants you to take a moment to look at -- What are  
4 the lines on page 29, Counsel?

5 MS. O'REILLY: 14 through 18.

6 BY MS. O'REILLY:

7 Q And in your deposition, you were asked:  
8 "So it sounds like overall, you didn't have a lot  
9 of complaints about Rob. Would you say your only  
10 complaint about him had to deal with meeting  
11 production quotas?" "Answer: Yes."

12 Did I read that correctly?

13 A Yes, you read it correctly.

14 Q And that -- And that is what you stated  
15 in your deposition, correct --

16 A Yes, ma'am.

17 Q -- when you were under oath on January  
18 30th?

19 A Yes, ma'am.

20 MS. O'REILLY: No further questions.

21 FURTHER REDIRECT EXAMINATION

22 BY MR. TIDABACK:

1           Q       On that same page, Mr. Spears -- I'm  
2       sorry. Yeah. It's okay.

3                   JUDGE MORAN: Take your time, please.

4                   BY MR. TIDABACK:

5           Q       Exhibit 44, page 10 --

6                   JUDGE MORAN: Page 10?

7                   MR. TIDABACK: Yes, sir, on page 10.

8                   JUDGE MORAN: Okay.

9                   MS. O'REILLY: I would object to him  
10       using the party admission in his own favor, and is  
11       he impeaching his witness on something? I don't  
12       know what's happening here.

13                   JUDGE MORAN: Why don't we wait to see  
14       what his question is.

15                   MS. O'REILLY: Okay.

16                   JUDGE MORAN: I mean, did you move for  
17       the introduction of 44?

18                   MS. O'REILLY: Yes. We had did that  
19       earlier today, in the morning.

20                   JUDGE MORAN: Okay. It was admitted?

21                   MS. O'REILLY: Yes.

22                   JUDGE MORAN: Okay. Let me see if I

1 have it. Yes, I do. It was just -- And following  
2 that was P35. Okay. So I do have that. Go  
3 ahead, Mr. Tidaback. You're directing Mr. Spears  
4 to page 10 --

5 MR. TIDABACK: Correct.

6 JUDGE MORAN: -- on page 44?

7 MR. TIDABACK: Page 10 of Exhibit P44,  
8 yes, your Honor.

9 JUDGE MORAN: Okay. And which page  
10 among those pages on P44 are you having him look  
11 at?

12 MR. TIDABACK: On the bottom right  
13 corner, it says page 33 and the box on the top  
14 right.

15 JUDGE MORAN: Okay. You want to ask him  
16 to read part of that or ask him a question about  
17 that, sir?

18 BY MR. TIDABACK:

19 Q On the left-hand side of that, it shows  
20 line No. 19, and then it goes through 21 in  
21 reference where it states, "Do you know why  
22 Baumann was terminated," at line 20A, "for his

1 lack of production and just an overall him just  
2 not being a productive employee," is line 21. Did  
3 I read that correctly?

4 A Yes.

5 MR. TIDABACK: Thank you, your Honor.

6 JUDGE MORAN: Okay.

7 MS. O'REILLY: No further questions.

8 JUDGE MORAN: All right. Mr. Spears,  
9 your testimony has concluded for now. Thank you  
10 for testifying. I don't know whether -- whether  
11 instructions for you are to remain in the witness  
12 room in case you are called back or whether --  
13 This is up to Mr. Tidaback, I guess.

14 MR. TIDABACK: I'm sorry. I'm sorry,  
15 your Honor.

16 JUDGE MORAN: Do you want to keep Mr.  
17 Spears available for potential --

18 MR. TIDABACK: No, your Honor. I don't  
19 believe --

20 MS. O'REILLY: We would like to have him  
21 available for the rest of the day.

22 JUDGE MORAN: Sure. So you're going to

1 have to stay here, okay, in the witness room, all  
2 right, sir?

3 THE WITNESS: Yes, sir.

4 JUDGE MORAN: All right. So if you go  
5 out, for, like, a cup of coffee, please come back  
6 promptly so that we don't have to wait a long time  
7 to retrieve you.

8 THE WITNESS: Yes, sir.

9 JUDGE MORAN: All right. Thank you.

10 MS. O'REILLY: And, your Honor, I'll  
11 just note we're going to hand him -- because we  
12 did Subpoena him, we're going to hand him the  
13 Subpoena witness forms. That's what we're handing  
14 him.

15 JUDGE MORAN: Yes. Good. Watch out for  
16 that tripod.

17 MR. SPEARS: Yes, sir.

18 JUDGE MORAN: I have tripped over my own  
19 tripod at home, so I know about this. If you want  
20 to say something about, "I need to go to the  
21 bathroom," or something like that, that's fine. I  
22 don't need an explanation because it would be

1 intrusive for me to even ask. You're free to go  
2 to the restroom. We'll wait for you to return.

3 MR. SPEARS: No, not right at this  
4 moment, your Honor, but if I --

5 JUDGE MORAN: Yes. It's not actually  
6 critical that you be in here at every moment, so,  
7 yes, whenever you need. Sure, sure.

8 Okay. So, folks, and I want to be sure  
9 this is well understood. I'm not rushing anybody  
10 in this proceeding, but we -- we have -- excluding  
11 lunch, we still have five hours here. So it is  
12 possible -- Depending upon the testimony from Mr.  
13 Tidaback and cross-examination of him and then  
14 whether there's rebuttal testimony, which I don't  
15 know if there will be any, it's possible that we  
16 could wrap this up.

17 But I will ask at the end of this  
18 proceeding, and this is to make sure there's no  
19 uncertainty here, that I customarily ask this,  
20 that the parties have to tell me whether or not  
21 they had a full opportunity to present their case.  
22 I do not -- I never want to leave here and have

1 someone -- it's never happened, by the way, but to  
2 have someone say, "Well, we were cut off, and we  
3 -- we needed more time to present our prosecution  
4 or our defense." So I will -- I will ask for that  
5 if it looks like we wrap up today. And if not,  
6 happy to come back here. As I said, it's a fine  
7 place, Joplin.

8 All right. So are we ready now, Mr.  
9 Tidaback, for you to testify?

10 MR. TIDABACK: Yes, your Honor.

11 JUDGE MORAN: Okay. And let me just  
12 give you a piece of advice about that. To some  
13 extent, I will allow you to testify in a narrative  
14 fashion, but it's helpful if -- if your daughter  
15 --

16 MR. TIDABACK: Jordan.

17 JUDGE MORAN: -- Jordan, I'm sorry,  
18 Tidaback is asking questions. It's smoother that  
19 way.

20 MR. TIDABACK: Yes, your Honor.

21 JUDGE MORAN: Remember, this is to give  
22 you some guidance about your testimony. If you

1 strain to things like opinion, et cetera, there's  
2 going to be some problems with that. But you can  
3 testify about, for example, this would be hearsay  
4 but hearsay is admissible, what Mr. Spears said to  
5 you about Mr. Baumann's job performance or what  
6 you observed about Mr. Baumann or paper that you  
7 issued to Mr. Baumann, if any, about criticizing  
8 his work performance or verbal exchanges you had.  
9 You can testify to that because we're talking  
10 about your memory of events where you had  
11 interactions with Mr. Baumann or with other  
12 people. You can testify about that, generally  
13 speaking. I'm not saying that's an absolute rule  
14 because it's in the context of the question. So  
15 you're prepared to come and testify now?

16 MR. TIDABACK: As far as I understand,  
17 yes.

18 JUDGE MORAN: Okay. Well, I'm sure  
19 there will be objections, and I may have some  
20 problems with some of your testimony, but I wanted  
21 to give you a broad outline about what a witness  
22 does. A witness testifies as to what they saw or



1 heard or did.

2 MR. TIDABACK: Correct, your Honor.

3 JUDGE MORAN: Okay. All right. So come  
4 on up here to the witness stand, and it's 11:36.  
5 We'll see how we progress. Let's plan to take a  
6 break at 12:30. But, again, if we're close to  
7 finishing, and it's probably in the interest of  
8 everybody if we're done, but I don't want to  
9 deprive anyone of needed lunch or other breaks,  
10 all right? We need to balance these things.  
11 Court reporter getting all of this?

12 THE VIDEOGRAPHER: Thumbs up.

13 JUDGE MORAN: Thumbs up. Okay. Well,  
14 you remember, Mr. Tidaback, you had multiple  
15 examples. I have to swear you in. Okay. Please  
16 raise your right hand, sir. Mr. -- It's Russell  
17 Tidaback?

18 THE WITNESS: Russell Tidaback, yes.  
19 Whereupon,

20 RUSSELL TIDABACK  
21 was called as a witness and, having been first  
22 duly sworn, was examined and testified as follows:

1 JUDGE MORAN: Okay. Have a seat, sir.  
2 And then you've seen from other witnesses. First  
3 you'll state your name, even though you just said  
4 it, because you'll be under oath now, and then  
5 spell it for us.

6 THE WITNESS: My name is Russell  
7 Tidaback, R-U-S-S-E-L-L, last name spelled T-, as  
8 in Tom, I-D, as in David, A-B-, as in boy, A-C, as  
9 in Charlie, K, as in king.

10 JUDGE MORAN: Okay. And I just want to  
11 note for the record that Mr. Tidaback's testimony  
12 is beginning at approximately 11:37 a.m. on  
13 Thursday, the 29th of February. Go ahead. Your  
14 questioning is being brought to us by?

15 MS. TIDABACK: Jordan Tidaback.

16 JUDGE MORAN: Jordan Tidaback?

17 MS. TIDABACK: Yes, sir.

18 JUDGE MORAN: Okay. Go ahead.

19 DIRECT EXAMINATION

20 BY MS. TIDABACK:

21 Q Mr. Tidaback, could you, please,  
22 describe your primary responsibilities at the

1 company and your title?

2 A Your Honor, can I stand up? I think  
3 better when I'm standing.

4 JUDGE MORAN: You're welcome to stand  
5 up, yes. Court reporter -- Is the court reporter  
6 getting Jordan Tidaback's statements? Is she  
7 hearing that? Do you have the microphone properly  
8 placed on you?

9 THE VIDEOGRAPHER: Thumbs up.

10 JUDGE MORAN: Thumbs up. Good.

11 BY MS. TIDABACK:

12 Q Do you need me to repeat the question?

13 A Please.

14 Q Could you, please, describe your primary  
15 responsibilities and title with the company.

16 A Managing member of American -- MOSeneca  
17 Manufacturer that is doing business as American  
18 Tripoli, and my roles and responsibilities are  
19 involved in every aspect of the company to make  
20 sure that it operates. That includes hiring and  
21 firing, and we have Mr. Spears as the operations  
22 manager that is in a position to run all of the

1 operations that are there. Sometimes I have  
2 communications with the employees, and sometimes I  
3 don't.

4 We use a product called Microsoft Teams  
5 to collaborate so that everyone is involved in  
6 everything that is happening in the operations  
7 within American Tripoli. There are different  
8 groups such as the mill management group which  
9 will be the mill management personnel which would  
10 be the shift lead, the operations manager  
11 logically and the safety and the maintenance.

12 And then we have a different group which  
13 deals with just the maintenance group which is  
14 just the maintenance personnel. The shift lead  
15 would be in that because the shift lead works with  
16 the maintenance personnel. When they notice  
17 something, they need work, it gets put in the --  
18 the maintenance log and also the daily inspection.  
19 That is what the maintenance personnel look at to  
20 determine what is going on, and Mr. Spears directs  
21 maintenance where to go.

22 The Teams also has the mill chat group,

1 if I remember correctly. And the mill chat group  
2 is basically led by the shift lead because that is  
3 how the shift lead communicates with all of the  
4 mill associates that work in the mine so that  
5 you've got to remember, the production floor,  
6 there are multiple things going on. There are  
7 multiple machines that are running, and the  
8 warehousing and forklift operations also happen  
9 there.

10 So the shift lead is directing those  
11 miners to go get materials, whether it be bags,  
12 pallets, slip sheets, product orders that are  
13 finished, the weighing of the pallets. That is  
14 all shared in that group because sometimes it is  
15 the shift lead that may be recording the weights  
16 of the pallets, and then there's also the times  
17 that the mill associates are reporting to the  
18 shift lead because it's the shift lead's  
19 responsibility to track that. Also part of that  
20 responsibility is to make sure that we are keeping  
21 accountability of product orders, scheduling,  
22 budgeting, everything that you'd expect at the

1 senior level to -- to manage within a company.

2 In our operations, we have a production  
3 schedule which is available publicly. That way,  
4 the customers -- it is limited so that their  
5 customer number, they only know what they're  
6 getting, but it shows how much lead time they can  
7 expect for their product. And in that group, in  
8 Teams on the mill management group, if I remember  
9 correctly, the shift lead has access to the files  
10 and the links to the daily -- the production  
11 schedule so that that is part of their tasks and  
12 duties that they are given and walked through,  
13 that they check that every single morning. And  
14 then with that, they -- they formulate what we are  
15 doing that day.

16 They take that information. They put it  
17 in -- in the break room, which is approximately 20  
18 feet away from the shift lead's office. He puts  
19 that information on the board so that the miners  
20 that are working in the mill, and including  
21 maintenance, knows what we are doing that day so  
22 they don't have to go to the shift lead and keep

1 interrupting him or her, could have been her,  
2 because they -- they could be out doing their  
3 walks. They could be out doing their walk-around  
4 inspections, stuff like that. All that  
5 information is there on the board. That way they  
6 know they've got to go get X amount of pallets.  
7 They've got to go X amount of bags. They have to  
8 go get all that material to finish that daily  
9 production.

10           Then production is -- the shift lead  
11 starts the equipment, runs through the production  
12 start-up checklist, is monitoring the equipment,  
13 monitoring all the -- the input of the feed into  
14 the material. He's watching the -- the key  
15 indicators for when the system is slowing down or  
16 empty so that he needs to speed up the production.

17           And then at the end of the shift, the --  
18 we give an hour, hour for start-up procedures in  
19 the morning, so that the mill associates can find  
20 out what they've got to do, go get the material  
21 because it takes time to go across the street to  
22 where our warehouse is to bring back the pallets

1 and the bags and everything and, you know, get  
2 themselves situated for that production day. We  
3 give an hour in the afternoon. Mr. Baumann -- The  
4 shift lead is the person that is controlling the  
5 feed of material into the system, so he knows when  
6 it stops and how long it takes before the system  
7 is empty so that the mill associates can complete  
8 their end-of-day checklists of the daily shutdown  
9 procedures.

10           So all of these procedures we've walked  
11 through based on the -- based on the history of  
12 the previous owners multiple times 'cause the  
13 company has been owned by many, many companies,  
14 been there a hundred-plus years. So all of these  
15 procedures and everything else, nothing has  
16 changed as far as what we do. All we did was  
17 document it and bring in the electronic components  
18 to it so that everybody knows it. And, you know,  
19 we even brought in Internet to the mill so that  
20 the mill associates didn't have to use their cell  
21 phone service or anything like that. It's all  
22 based off of WiFi that's in the mill. The -- my



1 -- My roles and responsibilities like -- as  
2 testimony -- other testimonies have shown, we are  
3 not there constantly. That's why we hire other  
4 people to make sure that it is doing what it's got  
5 to do.

6 In 2023, we -- it was a very rough year  
7 as far as attracting and obtaining and even  
8 retaining mill associates, period. Now, a mill  
9 associate, their tasks and duties only require,  
10 basically, a warm body. There's very limited  
11 prior experience, knowledge that they have to  
12 have. They don't have to have MSHA experience to  
13 run a machine. They take the MSHA training to  
14 understand mining. Now, why are we considered a  
15 mine when we're really just a manufacturing plant?

16 JUDGE MORAN: Okay. Now you're straying  
17 into --

18 THE WITNESS: Okay.

19 JUDGE MORAN: I think you've answered  
20 your question about your role and -- and given us  
21 a broad view of the operation. Do you have other  
22 questions to ask of Mr. Tidaback?

1 MS. TIDABACK: Yes, sir.

2 BY MS. TIDABACK:

3 Q So can you explain your background in  
4 relation to American Tripoli?

5 A Yes. So I spent -- I have 32 years of  
6 operational experience with the U.S. military. I  
7 retired a captain in an aviation unit, 1,300  
8 people underneath us at that time, still serving  
9 to this day.

10 My initial entry into manufacturing was  
11 in 1991 when I worked at Frito-Lay in Orlando,  
12 Florida, and they had an internship management  
13 progression track. My mother worked there, and  
14 that's how I got involved in that, and they led  
15 everything through production. And it is -- it is  
16 amazing today that most -- other than pulverizing  
17 material, they don't pulverize chips. They just  
18 cut potatoes.

19 It is the same process that American  
20 Tripoli does: Take the material, crush it, dry  
21 it, pulverize it and put it in the bag. That's  
22 what we do at American Tripoli, very simple

1 process. Frito-Lay is the same thing. They bring  
2 in material, they cut it up, they dry it, season  
3 it, put it in a bag.

4 JUDGE MORAN: Okay. I think -- It's  
5 been interesting, but I think you've covered that.  
6 We don't want to go too far into -- because it's  
7 not relevant to this proceeding, but your military  
8 background, which I respect, and it's interesting  
9 to hear about your background with Frito-Lay, and  
10 I let you talk about the analogy, but I was giving  
11 you some leeway there. I do like Cheetos Baked.  
12 They're very good, but I think it's time to move  
13 on to something else.

14 THE WITNESS: Okay.

15 MS. TIDABACK: Can I ask a follow-up  
16 question to that?

17 JUDGE MORAN: I'll let you know, or  
18 there will be an objection.

19 BY MS. TIDABACK:

20 Q So is it safe to say that you have  
21 multiple manufacturing experiences in your  
22 history?

1           A       Yes.

2                   JUDGE MORAN: Fair enough.

3                   MS. TIDABACK: Okay. I'll move on.

4                   BY MS. TIDABACK:

5           Q       How do you coordinate with Ms. Tidaback,  
6 myself, and Mr. Spears to provide support and  
7 ensure the company's operations run smoothly?

8           A       Everything in American Tripoli we run  
9 through Teams. Strictly communications is all  
10 done through Teams, all the files. We don't have  
11 paper files. Everything is done through Teams.

12                  JUDGE MORAN: Right, and you've  
13 testified about that already this morning.

14                  MS. TIDABACK: Okay.

15                  JUDGE MORAN: It's still this morning.  
16 Go ahead.

17                  BY MS. TIDABACK:

18           Q       Okay. And let's see. I'm moving on to  
19 operations. Can you just give us a brief  
20 explanation of what Tripoli is for the judge?

21           A       So Tripoli is a natural product. As the  
22 Secretary had pointed out, the chemical makeup of

1 it is 90 -- anywhere between 90 and 98 percent  
2 silicon dioxide, and the other particles could be  
3 numerous. The -- that's -- That's Tripoli in a  
4 whole. We don't add any chemicals. We don't  
5 change anything about the product. We just  
6 pulverize it.

7 Q Can you give us a brief explanation on  
8 Teams and how it works?

9 A Okay. So Teams is a collaboration --  
10 JUDGE MORAN: Do we need to have -- I  
11 mean, isn't it -- generally, it's just a way for  
12 your operation as well as other uses of Microsoft  
13 Teams --

14 THE WITNESS: May I get my water, your  
15 Honor? Sorry.

16 JUDGE MORAN: Of course. I mean, it's a  
17 way of communicating between employees --

18 THE WITNESS: Thank you.

19 JUDGE MORAN: -- at the mine. Different  
20 groups talk, and the -- and the communication is  
21 -- it's akin to e-mail, but it happens to be in an  
22 application called Microsoft Teams. Basically,

1 it's a communication tool?

2 THE WITNESS: It's a collaboration tool  
3 because it does include files.

4 JUDGE MORAN: Okay. And it includes  
5 files. Do you have a specific question about  
6 Microsoft Teams?

7 MS. TIDABACK: I'm sorry, sir?

8 JUDGE MORAN: Do you have other  
9 questions you have to ask about Microsoft Teams?

10 MS. TIDABACK: Yes, sir.

11 BY MS. TIDABACK:

12 Q Are there channels available to everyone  
13 at American Tripoli, such as a safety channel,  
14 that has all of our training files and our  
15 policies in it for safety?

16 A Correct.

17 Q Okay. Let's see. Can you explain your  
18 understanding of the roles and responsibilities of  
19 the shift lead?

20 A Yes. The shift lead is responsible for  
21 the mill operations. That position is -- monitors  
22 the production schedule which the sales team

1 builds for them. They -- They are the ones that  
2 control the inventory flow through the mill. They  
3 are the ones that also control the quality control  
4 of it leaving. They create the product. They  
5 ensure that it goes out properly. That's --  
6 That's really it for that role. They manage the  
7 workload of the mill associates. They're in  
8 there. That's their role. That's their primary  
9 role, to make sure that things get done in the  
10 mill.

11           On top of that, they're also responsible  
12 for the safety and -- of the mill associates.  
13 They're in that senior leadership position because  
14 it would be the senior person because the  
15 progression -- and this may help, your Honor, the  
16 progression of every mill associate is they start  
17 as a mill associate. Then they move to the shift  
18 lead. And then after the shift lead is when you  
19 come into a manager role where you can either  
20 become safety, the operations manager, the quarry  
21 manager, that stuff. So there is progression  
22 moving up, and that's one of the things that we

1 had for Mr. Baumann, and that's -- that's --  
2 that's why this is bothering me, so --

3 Q Let's see. So since you have just  
4 explained those roles and responsibilities, do you  
5 recall me, Jordan Tidaback, having to remind Rob  
6 to add mill Teams hours and shifts so too many  
7 days don't go by?

8 A Yes.

9 MS. O'REILLY: Objection. Ms. Tidaback  
10 is testifying what she did and hasn't really laid  
11 a foundation of how Mr. Tidaback would be aware of  
12 the instruction that she made to Mr. Baumann.

13 JUDGE MORAN: I'm going to allow the  
14 question, so -- so restate it --

15 MS. TIDABACK: Yes.

16 JUDGE MORAN: -- because we're trying to  
17 get -- trying to get to the heart of the matter  
18 here.

19 MS. TIDABACK: Okay.

20 JUDGE MORAN: All right. And you'll  
21 have an opportunity on cross-examination to pick  
22 that apart if you want to but -- so can you -- you



1 have the question written down?

2 MS. TIDABACK: Yes, sir.

3 JUDGE MORAN: Can you repeat it, please?

4 MS. TIDABACK: Reread the question?

5 JUDGE MORAN: Yes.

6 BY MS. TIDABACK:

7 Q Okay. Do you recall myself having to  
8 remind Rob to add mill Teams hours and shifts so  
9 too many days don't go by?

10 JUDGE MORAN: Do you recall that?

11 THE WITNESS: I do because it wasn't --

12 JUDGE MORAN: So he recalls it. Now, do  
13 you have another question about that? See, that's  
14 your question. Yes, he recalls. Now what do you  
15 want to ask him about it, if anything?

16 BY MS. TIDABACK:

17 Q Should we have to remind Rob?

18 A No, and this is not an only one-time  
19 incident. We had numerous instances, and most of  
20 the times, these were communicated in Teams. It  
21 got to the point where I personally had to call  
22 Mr. Baumann numerous times, and this was in his

1 early shifts after he had been trained for two  
2 months by our most senior person when he went to  
3 the night shifts by himself after talking with  
4 Christine, the operations manager at the time,  
5 about Mr. Baumann not doing what he's supposed to  
6 because if we don't get the updated production, I  
7 can't adjust -- I can't have the production  
8 schedule adjusted for the next day.

9 JUDGE MORAN: So -- So he's elaborated  
10 on that. Do you have more any questions along  
11 this line?

12 MS. TIDABACK: Yes, sir.

13 BY MS. TIDABACK:

14 Q Similarly, do you remember having to  
15 remind Rob to do this shift lead close-out at the  
16 end of each day?

17 A Yes. The shift lead close-out, again,  
18 inventory control, next-day production, this was  
19 not something that was just an incident or  
20 anything. We had conversations about, "How can  
21 you lead others if you can't do your own job?"

22 Q Okay.

1 JUDGE MORAN: So you've elaborated upon  
2 that.

3 BY MS. TIDABACK:

4 Q Can you explain the disciplinary process  
5 for American Tripoli?

6 A Right. The disciplinary process that we  
7 have at American Tripoli is documented in  
8 Missouri, which is a right-to-work state, can be  
9 fired at any time without any notification.

10 First is a verbal, okay. Second is a  
11 written. Third, if there is one, is immediate  
12 termination. No explanation is needed or anything  
13 like that. By that time, you know that you're  
14 going to be terminated. We don't like to  
15 terminate anybody. It is hard enough to get  
16 people.

17 JUDGE MORAN: Okay. But now you're  
18 going beyond the question that was asked. You've  
19 explained the termination process, sir.

20 BY MS. TIDABACK:

21 Q Okay. Can --

22 A Not all of it --

1 JUDGE MORAN: Okay.

2 THE WITNESS: -- because in that policy,  
3 it states that we can go any order. We don't have  
4 to follow that order.

5 JUDGE MORAN: Okay. That's an  
6 elaboration of your view of American Tripoli's own  
7 policy.

8 THE WITNESS: That's actually what it  
9 states, your Honor. That's not a lie.

10 JUDGE MORAN: Okay.

11 BY MS. TIDABACK:

12 Q So to confirm, it does state in there we  
13 can terminate anyone at any time just for any  
14 reason?

15 A That is what it states.

16 Q Could a reason be such as --

17 A Anything.

18 Q -- backtalking a manager or --

19 A That would be expected.

20 Q -- something extreme like sexual  
21 harassment or anything like that?

22 A Correct. That would be expected.

1           Q     Okay. So you mentioned employee  
2 retention rates were hard to come by. How does  
3 the company approach employee engagement and  
4 satisfaction to improve retention rates, and what  
5 role do you play in these efforts?

6           A     We try to do everything that we can to,  
7 one, retain people. We -- We explained in 2023,  
8 in a group, and if I'm not mistaken, it was in the  
9 break room the last time that I can remember,  
10 discussing about the difficulties of hiring new  
11 people and retaining people because there were  
12 some discussions from the mill associates about,  
13 "We need more people." So logically, as a  
14 supervisor, you have to explain, "This is why it  
15 is difficult to get people. This is why we are  
16 not going to just hire 50 people for small  
17 operations," so explaining to them. I mean, chat  
18 was open. Even in -- Even in initial interviews  
19 and communications, I give people my personal cell  
20 phone. If you had questions, you could call me  
21 directly, so --

22           JUDGE MORAN: Okay. But -- Excuse me.

1 We're getting afield from the retention policy.  
2 I'm characterizing your testimony as you tried  
3 hard to keep people. You wanted to retain people  
4 because it was difficult to get people in the  
5 first instance; is that correct?

6 THE WITNESS: Yes, your Honor.

7 JUDGE MORAN: Okay. And so I take it  
8 that the point of your talking about retention is  
9 to indirectly demonstrate that you didn't really  
10 want to have to terminate people because of that  
11 problem of retention. If at all possible, you  
12 wanted to keep people?

13 THE WITNESS: That's correct.

14 JUDGE MORAN: And so I take it from that  
15 that you're inferring that in a situation where  
16 things are so bad, in this case, you would allege  
17 Mr. Baumann's performance or work was so bad that  
18 despite your wish to retain people, you still had  
19 to terminate him; is that right?

20 THE WITNESS: And hire other people  
21 potentially to do so, yes, your Honor.

22 JUDGE MORAN: Okay. Well, you can ask

1 him questions about that, about whether he hired  
2 -- 'cause that's been an issue in this proceeding,  
3 whether he hired other people to replace Mr.  
4 Baumann and when that occurred.

5 So you've got to ask specific questions  
6 now, and try to confine your answer to what Jordan  
7 Tidaback is asking you. Sometimes you go on for a  
8 little bit there, and I've let you -- I've given  
9 you a lot of rope.

10 THE WITNESS: Yes, your Honor.

11 JUDGE MORAN: Okay.

12 BY MS. TIDABACK:

13 Q Okay. So to that question, did we hire  
14 other people to replace Mr. Baumann?

15 A Yes, we did.

16 Q Do you -- Are you aware of those dates,  
17 and can you provide them?

18 A I know we have them in exhibits. I  
19 would have to find them.

20 JUDGE MORAN: How about asking a broader  
21 question? How many people did your father hire  
22 for the purpose of replacing Mr. Baumann? How

1 many -- Do you know what the number was?

2 THE WITNESS: If I remember correctly,  
3 it was four.

4 JUDGE MORAN: Okay. And so then you  
5 might ask if he can recall -- And by the way, let  
6 me just interrupt myself. When you referred a  
7 moment ago, Mr. -- Mr. Tidaback, to an exhibit, is  
8 that an exhibit that's been admitted, if you  
9 recall?

10 THE WITNESS: No, it has not.

11 JUDGE MORAN: It has not been admitted  
12 into the record about -- about the people he hired  
13 or how long they stayed?

14 MS. TIDABACK: It has not been an  
15 exhibit.

16 THE WITNESS: Not yet.

17 MS. TIDABACK: Not yet.

18 THE WITNESS: It was not allowed under  
19 -- under that role, your Honor.

20 JUDGE MORAN: Okay. Are you going to  
21 ask him questions about that later or not?

22 THE WITNESS: Are you going to --



1 JUDGE MORAN: No?

2 MS. TIDABACK: Oh, am I going to ask him  
3 questions about what? I'm sorry.

4 JUDGE MORAN: About that exhibit and how  
5 it might demonstrate who -- who he hired and --

6 MS. TIDABACK: Yes. Yes, sir.

7 JUDGE MORAN: Okay. This is a little  
8 bit confusing. Let's back it up. You hired four  
9 people. Are those four people still working for  
10 American Tripoli?

11 MS. TIDABACK: No, sir. Sorry. I'm  
12 sorry.

13 THE WITNESS: Yeah. Those individuals  
14 were hired separate dates and times, not together.  
15 And, no, they are not still working for American  
16 Tripoli.

17 JUDGE MORAN: Okay. And what was the  
18 longest period of time that any one of those four  
19 employees worked for American Tripoli?

20 THE WITNESS: I don't have that  
21 information readily available.

22 JUDGE MORAN: Well, do you remember in

1 terms of whether it was weeks or months?

2 THE WITNESS: Oh, yeah. It was less  
3 than -- It was less than a month because initially  
4 when we hire someone, we have to do the 24-hour  
5 training. And in 2023, a lot of people didn't  
6 even stay for that training, so --

7 JUDGE MORAN: Okay. So is it fair to  
8 state that the longest any of these four  
9 employees, which you allege were hired to replace  
10 Mr. Baumann, none of them worked for more than a  
11 month for American Tripoli?

12 THE WITNESS: Without looking at  
13 documentation, that's fair to say, your Honor.

14 JUDGE MORAN: Okay. And I'm not going  
15 to ask any other questions about that. The  
16 Secretary may. But go ahead, Jordan Tidaback, if  
17 --

18 MS. TIDABACK: Okay.

19 JUDGE MORAN: -- about -- about this --  
20 questions you may have about this assertion that  
21 people were hired specifically to replace Mr.  
22 Baumann --

1 MS. TIDABACK: Okay.

2 JUDGE MORAN: -- if you have any other  
3 questions about that.

4 THE WITNESS: Just --

5 MS. TIDABACK: I have the exhibits, but  
6 let me just grab my --

7 JUDGE MORAN: Take a moment to find that  
8 exhibit. We'll go off the record for a moment.

9 MS. TIDABACK: Thank you.

10 (Discussion off the record.)

11 JUDGE MORAN: For purposes of  
12 identification, can you identify the exhibit that  
13 you're referring to?

14 MS. TIDABACK: Yes, sir. It is Exhibit  
15 RX.

16 JUDGE MORAN: RX?

17 MS. TIDABACK: Yes, sir, RX.

18 JUDGE MORAN: Okay.

19 MS. TIDABACK: And --

20 JUDGE MORAN: Just one second. I've got  
21 my --

22 MS. TIDABACK: Do we need to go back on

1 record? I thought you told her that we were going  
2 off.

3 THE VIDEOGRAPHER: She's on.

4 JUDGE MORAN: She's very good. That was  
5 my fault. That's right. So we are on the record,  
6 Mr. Holt?

7 THE VIDEOGRAPHER: Yes. Thumbs up.

8 JUDGE MORAN: Okay. Thank you, Jordan  
9 Tidaback.

10 MS. TIDABACK: Sure. Please let me know  
11 when you're ready.

12 JUDGE MORAN: I've got my wires  
13 literally crossed here. Okay. RX.

14 BY MS. TIDABACK:

15 Q Okay. Mr. Tidaback, do you identify  
16 this record or -- can you identify it?

17 A Actually, I see in here RW --

18 Q Let's see.

19 A -- RX, RY and RZ.

20 JUDGE MORAN: But, no, you see, you're  
21 being questioned, and so we're trying to keep some  
22 order here. Jordan Tidaback has asked you about

1 RX. Is that what you intended to ask about?

2 MS. TIDABACK: Yes, sir, RX.

3 JUDGE MORAN: Do you see RX?

4 BY MS. TIDABACK:

5 Q Do you see RX?

6 A I do.

7 Q Okay.

8 JUDGE MORAN: And do you have a question  
9 about RX?

10 MS. TIDABACK: Yes.

11 BY MS. TIDABACK:

12 Q Can you identify what this document is  
13 for the Court, please?

14 A This was a hiring document for a  
15 production shift manager.

16 Q Okay. And could you identify the  
17 person's name on it?

18 A Will Shellenberger.

19 Q Okay. Thank you. So the next page, can  
20 we, please, move to Exhibit RY?

21 JUDGE MORAN: Well, do you want -- do  
22 you want to admit RX?

1 MS. TIDABACK: Yes, sir. May I, please,  
2 admit RX?

3 JUDGE MORAN: Sure. Any objection to  
4 the admission of RX?

5 MS. O'REILLY: No objection.

6 JUDGE MORAN: Okay. RX is admitted.

7 MS. TIDABACK: Thank you.

8 BY MS. TIDABACK:

9 Q Are you on --

10 JUDGE MORAN: And I would just note --  
11 No, I will not note. There is a date of August  
12 24th, 2022. All right. And now we're talking  
13 about what, Ms. Tidaback?

14 MS. TIDABACK: RY.

15 JUDGE MORAN: RY?

16 MS. TIDABACK: Yes, sir. It's the next  
17 page.

18 JUDGE MORAN: Okay.

19 MS. SMITH: Your Honor, X, Y and Z were  
20 actually already admitted.

21 MS. TIDABACK: Oh, okay.

22 JUDGE MORAN: Who admitted that?

1 MS. SMITH: I don't know, but they  
2 were -- I can tell you. Hold on. These were  
3 admitted over objection on Wednesday. I think it  
4 might have been the witness that was seated at the  
5 time.

6 JUDGE MORAN: Okay. So I overruled your  
7 objection and admitted those?

8 MS. SMITH: Yes.

9 JUDGE MORAN: Well, that was prescient  
10 of me because I knew this would happen.

11 MS. TIDABACK: Okay.

12 JUDGE MORAN: I'm kidding. Okay. So  
13 you can still ask these questions, though.

14 MS. TIDABACK: Okay.

15 JUDGE MORAN: So RX, Y and Z are  
16 admitted or have been admitted. And so the second  
17 one, RY, do you recognize that exhibit, Mr.  
18 Tidaback?

19 THE WITNESS: Yes, your Honor.

20 BY MS. TIDABACK:

21 Q Can you identify what this document is  
22 for?

1           A       Yes. This is the hiring offer letter  
2       dated November 4 for Richard McCullen for the  
3       production shift lead.

4           Q       Okay. Thank you. And then let's see.  
5       Onto the next page which is Exhibit RZ --

6           A       Yes.

7           Q       -- are you there? Okay.

8                   JUDGE MORAN: Recognize that exhibit?

9                   THE WITNESS: Yes, yes.

10                  BY MS. TIDABACK:

11           Q       Do you recognize it? Oh, go ahead.  
12       Could you, please, identify what this document is  
13       for us?

14           A       Yes. This is the same. This is an  
15       offer letter for Alex Nigrass who's the production  
16       coordinator dated or -- his start date was 20  
17       March of 2023.

18                  JUDGE MORAN: And you're doing a fine  
19       job. This must be a bit of a stressful situation  
20       for you. I just want to reassure you, you're  
21       doing a fine job. You're asking professional  
22       questions, so that's fine. Keep it up.



1 MS. TIDABACK: Oh, okay. Thank you.

2 BY MS. TIDABACK:

3 Q Would these documents serve as proof  
4 that we had -- that American Tripoli had  
5 intentions to hire another person in place of Mr.  
6 Baumann?

7 A That is correct. We do not have to  
8 shift-lead positions.

9 JUDGE MORAN: Okay.

10 BY MS. TIDABACK:

11 Q Thank you. So your character or  
12 leadership style was brought up in a couple  
13 testimonies from yesterday. As an owner, how do  
14 you perceive your leadership style and its impact  
15 on company culture?

16 A That's a great question. My experience  
17 with leadership deals with ethos. You are hired  
18 in a paid position to perform a role at an agreed  
19 responsibility, position description, pay rate,  
20 paid at a certain date and time or events, and you  
21 are expected to accomplish that mission as well as  
22 support the organization that you are working for

1 or getting paid as a result.

2 Q Okay. And would you identify any  
3 specific type of leadership style you have?

4 A The hierarchy structure, that's  
5 military-based. It's also in many of the large  
6 organizations worldwide, even MSHA, the federal  
7 government. There's a hierarchy structure that  
8 should be followed.

9 Q Okay. Thank you. How do you and other  
10 leaders within the company work to maintain morale  
11 and a positive work environment despite stresses  
12 such as MSHA compliance and high-employee  
13 turnover?

14 A Open communication is how we want  
15 American Tripoli to feel. We don't want anybody  
16 to be afraid to come forward and say something to  
17 -- to anybody. That's why open communications  
18 because even in Teams, they are -- they are --  
19 they have the ability to create a private chat  
20 with just you, and no one else would see that chat  
21 so that you can communicate freely in that, and we  
22 established that even in the hiring process.

1           In the interview process, that is  
2   actually discussed. So that's -- that's why we  
3   want the morale that we are there as a team to get  
4   things done, and we -- it is not a one-man show.  
5   It requires us all to get things done.

6           Q     Okay. Thank you. So on the topic of  
7   MSHA, can you describe your involvement in any  
8   inspections?

9           A     There were a few inspections I walked  
10   around with the inspectors. That was early --  
11   early, you know. It's not all the time. We're  
12   not there all the time. So when they were there,  
13   I'm there to ask questions because, you know, I'm  
14   new to MSHA, and I'm trying to learn why we're  
15   getting citations, you know. What is -- Where is  
16   the fault so we can fix the problems so we don't  
17   have these again? So that was my involvement with  
18   the MSHA inspections.

19          Q     Thank you. Can you describe your  
20   thoughts on a miner's involvement in MSHA  
21   inspections?

22          A     Yes. Part of the MSHA training, you

1 know, miners have the rights, and -- and they're  
2 allowed to talk to and walk with MSHA inspectors.  
3 There's been numerous times that -- upon my  
4 personal observation that MSHA will be talking to  
5 R.J., which happens to be one of the mill  
6 associates, or talking with Rob or talking with a  
7 safety person at the time or talking even with the  
8 truckers that pick up our workloads. They would  
9 ask them questions.

10 No one stopped anybody. That was --  
11 that was not -- That is today still not anything  
12 that is not accepted or is normal. We don't -- We  
13 don't stop anybody from talking to an MSHA  
14 inspector, so it's free, open communication.

15 Q Do you feel that you are telling miners  
16 that they cannot speak with an MSHA inspector?

17 A No, never.

18 Q Do you feel that by stating the Miranda  
19 rights and that MSHA uses this is wrong?

20 A That's a great question. In learning  
21 this process, in our initial conversations with  
22 Mr. Markeson, during one of the debriefs, I had

1 asked him, "I see that you're making notes. What  
2 are the notes for?" You know, being a digital  
3 world, we keep everything digital, so I'm trying  
4 to figure it out. He told us in that --

5 MS. O'REILLY: I'm going to object as to  
6 hearsay, although I know we have somebody right  
7 here to hearsay. But, you know, Ms. Markeson was  
8 here. And if Mr. Tidaback had questions about his  
9 notes or his conversation that he had with him, he  
10 had the opportunity to ask him when he was here.

11 THE WITNESS: And I did.

12 JUDGE MORAN: Okay. Well, then if  
13 you've already asked him questions about that,  
14 then you're now reiterating --

15 THE WITNESS: We have.

16 JUDGE MORAN: -- and they were --  
17 assuming that that's correct, that representation  
18 that he asked him about this.

19 MS. SMITH: He asked him about some  
20 conversations that they had, and Mr. Markeson said  
21 "no" to the question.

22 MS. TIDABACK: Or he doesn't recall.

1           THE WITNESS: Not -- Yeah, not specific  
2 questions.

3           MS. TIDABACK: Yeah.

4           JUDGE MORAN: Okay. I do have a problem  
5 with you testifying about this given the remark by  
6 Attorney Smith, but -- so I'm going to hear a  
7 little bit of it. And then I -- if you have a  
8 problem with it, I'm assuming you're going to  
9 stand up and object further.

10          MS. SMITH: Sure.

11          THE WITNESS: So --

12          JUDGE MORAN: All right. Just to recap  
13 here, we'll reverse the tape, so to speak. You're  
14 telling me that -- This is my paraphrasing. You  
15 have questions or concerns because you see  
16 Inspector Markeson writing notes, and you asked  
17 him about that; is that right?

18          THE WITNESS: I asked him about that.

19          JUDGE MORAN: Okay.

20          THE WITNESS: And his statement to us,  
21 teaching us why he was writing notes, stated that  
22 the operators' comments, which he stated

1 yesterday, can be used against you.

2 JUDGE MORAN: Okay. So you assert he  
3 made that statement?

4 THE WITNESS: Yes.

5 JUDGE MORAN: All right.

6 THE WITNESS: So I took that  
7 interpretation, basically, the Miranda rights,  
8 anything you say can and will be used against you  
9 in a court of law just as his notes or any  
10 inspectors' notes, as we are experiencing today,  
11 are being used against someone that says  
12 something. So that is why that is communicated.

13 JUDGE MORAN: Okay. Well, just -- There  
14 wasn't a further objection, and that's fine. I  
15 wasn't saying there should have been, but I just  
16 want you to know that your impression about that  
17 this is akin to the Miranda rights are not -- I'm  
18 not buying into any of that, okay? You asked him  
19 a question about why he takes notes, and you  
20 assert that he said something about notes can be  
21 used against a mine operator. He told you that?

22 THE WITNESS: Oh, yes.

1 JUDGE MORAN: Okay. Well, that may be  
2 true. I don't know. I'm -- I'm outside of the  
3 ballpark right now when I'm hearing about this in  
4 terms of remember at the beginning of the  
5 proceeding what I'm focusing on?

6 THE WITNESS: Um-hum.

7 JUDGE MORAN: This is about Mr. Baumann  
8 and whether he was fired for -- after engaging in  
9 protected activity, if I make findings of fact  
10 based on the record that there was protected  
11 activity. And the thrust of your case has been  
12 not directed at that but that there was the second  
13 at bat, as I termed it at the beginning of this  
14 proceeding, which is that you would have fired him  
15 in any event because of improper or insufficient  
16 performance of his duties as the production  
17 supervisor. Am I using the right title?

18 THE WITNESS: Production lead.

19 MS. TIDABACK: Shift lead.

20 THE WITNESS: Shift lead.

21 JUDGE MORAN: Shift lead?

22 MS. TIDABACK: Yes, sir.



1 JUDGE MORAN: I'll rely upon the  
2 transcript. Don't worry if I -- if I  
3 mischaracterize the job title. It's all in the  
4 record, and that's the one I'll use when I write  
5 my decision. Okay. Do you have a question about  
6 this?

7 MS. TIDABACK: Yes.

8 BY MS. TIDABACK:

9 Q So do you feel you have discriminated  
10 against any miner at American Tripoli?

11 A Never.

12 Q Do you have problems with people  
13 bringing you safety concerns?

14 A No. Actually, we promote that they  
15 bring us safety concerns.

16 Q Did you receive safety concerns from Rob  
17 in any fashion, whether it be a phone call or a  
18 chat, that you recall?

19 A That I recall, no.

20 JUDGE MORAN: Okay. So your testimony  
21 is you never received any communication from Mr.  
22 Baumann about the broad topic of safety concerns.

1 That's your testimony?

2 THE WITNESS: In the numerous  
3 communications that we had, I do not recall any  
4 specific safety-relatable concerns from Mr.  
5 Baumann, no.

6 JUDGE MORAN: Okay.

7 BY MS. TIDABACK:

8 Q Have you ever communicated it to miners  
9 that if something is not getting resolved by their  
10 manager, then they should use the hierarchy and go  
11 to you?

12 A That is correct.

13 Q Okay.

14 A We establish that with every single  
15 employee that comes along because I want them to  
16 know that it is an open-communication company.

17 Q What would be the first question you  
18 would ask them if they brought something to you?

19 A "Have you spoken with -- about this with  
20 your supervisor?"

21 Q Okay.

22 A And Mr. Baumann did not.

1           Q     Okay. Do you feel any angst against Mr.  
2     Baumann?

3           A     None at all.

4           Q     All right. Do you -- Do you wish any  
5     harm towards Mr. Baumann because of any of this  
6     going on?

7           A     Not at all. I understand in my  
8     interpretation of the overall picture of  
9     everything that we're trying to provide the Court  
10    that Mr. Baumann was influenced by a vindictive  
11    MSHA inspector, and his --

12                MS. SMITH: Objection --

13                JUDGE MORAN: I -- I -- Yes. I  
14    absolutely sustain the objection.

15                THE WITNESS: So I --

16                JUDGE MORAN: Did you understand? I've  
17    --

18                THE WITNESS: Yes, sir.

19                JUDGE MORAN: -- terminated that  
20    response. So if there's another question from  
21    Jordan Tidaback, we'll listen to that.

22                THE WITNESS: Very good.

1 JUDGE MORAN: That wasn't an opportunity  
2 -- an invitation for you to continue.

3 THE WITNESS: Oh, sorry, your Honor.

4 BY MS. TIDABACK:

5 Q Okay. So taking that into  
6 consideration, can you advise us as to why you  
7 feel Mr. Baumann filed this complaint?

8 MS. SMITH: I'm going to object as to  
9 asking why he filed the complaint.

10 JUDGE MORAN: That objection is  
11 sustained.

12 MS. TIDABACK: Okay. I'll move on.

13 THE WITNESS: Do I --

14 BY MS. TIDABACK:

15 Q No. I'll ask. To your knowledge, are  
16 written counseling statements required by law, at  
17 least Missouri law?

18 A No. In many, many companies, there  
19 aren't counseling statements. They can all be  
20 verbal. It's based on the policy of that company.

21 Q Okay.

22 JUDGE MORAN: And just for the

1   edification of the respondents, I'm not -- my  
2   decisions and, in fact, no discrimination  
3   complaint under the Mine Act is bound by the  
4   particular rules of the given state. I explained  
5   at the beginning the ground rules long established  
6   by the Commission in establishing discrimination  
7   complaints and what -- what's required, okay. So  
8   it's interesting that he said that but not  
9   something that's going to weigh in my decision --

10           THE WITNESS: Yeah.

11           JUDGE MORAN: -- in any manner because  
12   it would be inappropriate for me to do that. If  
13   we had -- If you think about it, if you had an  
14   arrangement about that, the application of the  
15   Mine Act could vary from state to state. You  
16   can't have that.

17           MS. TIDABACK: Um-hum.

18           THE WITNESS: So am I correct? We're  
19   just trying to answer the three or the two  
20   allegations?

21           JUDGE MORAN: No. You have to do the  
22   question-and-answer format --

1 THE WITNESS: Oh, okay.

2 JUDGE MORAN: -- which you have  
3 succeeded to by having your daughter ask these  
4 questions.

5 MS. TIDABACK: Okay. Let's see. I -- I  
6 guess the reasoning for that question was because  
7 it was brought up.

8 JUDGE MORAN: You were talking --  
9 Remember, you were just talking about state law  
10 and how that's very different. I would agree with  
11 that, but that's not what controls my  
12 decision-making process at all.

13 MS. TIDABACK: Okay. Understood.

14 JUDGE MORAN: And just -- I couldn't  
15 think of the name for a second, but it's known as  
16 the Pasula-Robinette test. And when I issued one  
17 of my orders, I referenced that case with a  
18 citation to the Commission decisions, plural, that  
19 habitually refer to it and have not changed over  
20 decades, okay?

21 MS. TIDABACK: Okay.

22 JUDGE MORAN: So it's long-established

1 law.

2 MS. TIDABACK: Okay.

3 JUDGE MORAN: Super precedent --  
4 precedent to use a Summerton news reference. That  
5 might not be appreciated except by the attorneys  
6 in the room.

7 BY MS. TIDABACK:

8 Q Okay. Let's see. Please advise on your  
9 opinion of Mr. Baumann's deficiency on  
10 housekeeping.

11 A One, the citation violations, the record  
12 of it shows it. I do believe that the Secretary  
13 has that information presented in her exhibits as  
14 well.

15 Q Okay. Could you, please, advise us on  
16 what the purpose of hiring a production  
17 coordinator was for?

18 A The hiring of the production coordinator  
19 was to assist, was to take some of the  
20 responsibilities off of the shift lead, Mr.  
21 Baumann, because his performance was not -- he was  
22 not doing well. So we were trying to, how can we

1 fix the problem? And we hired the production  
2 coordinator assistant position for that purpose.

3 Q Let's see. Were you ever informed that  
4 Rob was a miners' rep?

5 A No.

6 Q Okay.

7 A Was not aware until we received the  
8 complaint.

9 Q May we, please, turn to Exhibit RJJ?

10 JUDGE MORAN: RJJ, sure.

11 BY MS. TIDABACK:

12 Q Yes, sir. Will you let me know when you  
13 get there, Mr. Tidaback?

14 A Yes.

15 Q Could you, please --

16 JUDGE MORAN: RJJ then is the last one,  
17 right?

18 MS. TIDABACK: Yes, sir. It is the last  
19 one.

20 JUDGE MORAN: Okay. So go ahead there,  
21 Ms. Tidaback.

22 BY MS. TIDABACK:



1           Q     Mr. Tidaback, could you, please,  
2     identify what this document is for us?

3           A     This looks like an e-mail chain. The  
4     last e-mail dated November 13th, 2023, was to Mr.  
5     Randall Boyd which appears to be the supervisor of  
6     special investigations.

7           Q     Can you --

8           A     And in this e-mail, it appears that I  
9     sent him an e-mail on the 13th that he responded  
10    to. And I asked, "Is there anyone" --

11                Let's see here. So the bottom of page 1  
12    from Russell Tidaback to Mr. Boyd Randall, and in  
13    the question underneath the caution block, it  
14    states, "Thanks for the quick response but most  
15    likely to another question, previous e-mails. Is  
16    there anyone listed as a miners' rep? As I am  
17    aware of, there aren't."

18                And as you can see in his response to my  
19    question on Monday, November 13th, 2023, at 10:54  
20    in the morning, he stated, "No one was listed when  
21    I checked this morning."

22           Q     Okay.

1           A       And then I responded to him saying,  
2       "Thanks. Okay. Thanks for letting me know. I  
3       was under the impression by an MSHA representative  
4       that we were not -- we did not have miners'  
5       representatives at that current time." I do  
6       believe in the e-mail it talks about previous --  
7       Yes. On the second -- page 2, and this is  
8       probably what led up to the questions of why --  
9       Let's see here. Okay.

10                   So on page 2, it talks about, did -- at  
11       the bottom of the page underneath the caution box,  
12       Sunday, November 12th at 2 or -- November 12th,  
13       2023, 1:38 in the afternoon, I had asked Mr. Boyd,  
14       "Mr. Boyd, did Mr. Drake, Randy or Max contact  
15       you?" I do believe that there was earlier  
16       communications with Mr. Boyd and -- we'll just  
17       stick to this document, Mr. Boyd about Mr. Drake  
18       -- Randy Drake and Max Drake which were American  
19       Tripoli's miner representatives before. They were  
20       listed as miners' representatives before, and I do  
21       -- There is also another document that the  
22       Secretary presented that actually shows their

1 names on that document.

2 JUDGE MORAN: Okay. Let me just try and  
3 truncate this. Mr. Tidaback, did at some point  
4 during Mr. Baumann's employment you -- did you  
5 become aware that he -- during his employment that  
6 he was a miners' rep?

7 THE WITNESS: No, your Honor.

8 JUDGE MORAN: All right. So is it fair  
9 to state that according to your testimony, and I  
10 don't know whether you knew or not -- I don't want  
11 to imply by my asking these questions that that is  
12 -- impacts the matters I have to decide in this  
13 case. All right. I want to make -- underscore  
14 that.

15 But is it your testimony that as of the  
16 date that he was fired, and I guess the fancy term  
17 being he was terminated, which sounds worse than  
18 being fired, terminated, but as of the date that  
19 he was terminated that at that moment of  
20 termination and any time prior to that, you did  
21 not know in any shape, manner or form that Mr.  
22 Baumann was a miners' rep?

1           THE WITNESS: The first indication any  
2   that I was identified that Mr. Baumann was a  
3   miners' rep was the date that we received the  
4   complaint from MSHA.

5           JUDGE MORAN: Okay. And so could you  
6   try and -- I feel like we're on a Sunday talk news  
7   show --

8           THE WITNESS: No.

9           JUDGE MORAN: -- where you ask a  
10   politician a question and you get an answer, but  
11   it doesn't answer the question.

12           So as of the date of Mr. Baumann's  
13   termination, firing, did you know that he was a  
14   miners' representative?

15           THE WITNESS: No, your Honor.

16           JUDGE MORAN: And let me just go a  
17   little further with that. And when you say you  
18   did not know, are you restricting your answer to  
19   -- by answering "no," do you mean that you had no  
20   piece of paper or formal word from -- is that --  
21   are you restricting your answer to that?

22           THE WITNESS: No -- No indication.

1 JUDGE MORAN: Of any kind?

2 THE WITNESS: Any means at all.

3 JUDGE MORAN: And that would include  
4 even a message from -- Mr. Baumann didn't inform  
5 you?

6 THE WITNESS: No.

7 JUDGE MORAN: That's correct?

8 THE WITNESS: Yes, that is correct. He  
9 did not.

10 JUDGE MORAN: And Mr. Spears did not  
11 inform you?

12 THE WITNESS: No.

13 JUDGE MORAN: And any employee from your  
14 operation inform you --

15 THE WITNESS: No.

16 JUDGE MORAN: -- prior to his  
17 termination?

18 THE WITNESS: No, your Honor.

19 JUDGE MORAN: So you knew zero about  
20 this --

21 THE WITNESS: Zero.

22 JUDGE MORAN: -- until after he was

1 terminated, and how soon after -- You said it was  
2 only when the complaint was filed that you learned  
3 he was the -- a miners' rep?

4 THE WITNESS: Of the -- I -- The date  
5 that we received the complaint was the first ever.

6 JUDGE MORAN: You said that. Okay. So  
7 it's after he was terminated?

8 THE WITNESS: That is correct, your  
9 Honor.

10 JUDGE MORAN: Okay. Did you  
11 subsequently learn from Mr. Spears that -- or  
12 anyone else that they knew Mr. Baumann was a  
13 miners' rep before he was terminated?

14 THE WITNESS: No, your Honor.

15 JUDGE MORAN: Okay. So -- so -- I'm  
16 talking about after the fact. He's now been  
17 terminated, and no one comes to you and says --

18 THE WITNESS: No.

19 JUDGE MORAN: -- "Well, you know,  
20 Russell," if I can be informal here --

21 THE WITNESS: Yes.

22 JUDGE MORAN: -- "Baumann was a miners'

1 rep"? You didn't --

2 THE WITNESS: No, your Honor.

3 JUDGE MORAN: You never learned that?

4 THE WITNESS: No, your Honor, and I  
5 asked everybody on our --

6 JUDGE MORAN: That answers my questions  
7 about that.

8 THE WITNESS: Okay.

9 JUDGE MORAN: Do you have other  
10 questions to ask?

11 MS. TIDABACK: Yes, sir.

12 JUDGE MORAN: Let me just -- I'm going  
13 to pause for a moment, okay? We're coming up at  
14 12:28, okay. And so -- And, again, I'll tell you.  
15 I ask this of everybody. This is not directed or  
16 a different rule book for you people, the  
17 respondents, than it is for the Secretary. Do you  
18 understand?

19 MS. TIDABACK: Yes, sir, I understand.

20 JUDGE MORAN: Can you give me an  
21 estimate of how much longer you will need, an  
22 estimate to conduct your direct examination of

1 your father, Russell Tidaback?

2 MS. TIDABACK: I have six questions  
3 left, but he's the long-winded one. I'm not, so  
4 may I ask him?

5 JUDGE MORAN: Well, no. You --

6 MS. TIDABACK: I can't. Okay.

7 JUDGE MORAN: That's fine. You have six  
8 questions, and you can't predict how long he'll  
9 take to answer them. Well -- And I may have to  
10 cut off the answers if he goes into -- beyond left  
11 field, out of the stadium itself, to use that  
12 analogy, okay?

13 MS. TIDABACK: Yes, sir.

14 JUDGE MORAN: Do you understand that?

15 MS. TIDABACK: I do.

16 JUDGE MORAN: Think of a baseball field,  
17 and you're in the parking lot.

18 MS. TIDABACK: Yes, sir.

19 JUDGE MORAN: Okay. That's not the  
20 field.

21 MS. TIDABACK: Yes, sir.

22 JUDGE MORAN: All right. Now I need



1 some input from the parties. Do you want to take  
2 a half-an-hour break?

3 MS. SMITH: If there's six questions  
4 left, it might be helpful to take those and then  
5 take our 30-minute break because that will allow  
6 us to streamline what we'll need to do for cross.

7 JUDGE MORAN: Okay. Is that acceptable  
8 to you? How are you bearing up, Ms. Tidaback?

9 MS. TIDABACK: Well, if it's okay, I  
10 would prefer to take a break now, but --

11 MS. SMITH: That's fine with us.

12 JUDGE MORAN: Okay. So we're going to  
13 take a pause on the hearing. And before we do  
14 sign off for a minute with the court reporter, can  
15 we agree to resume at 1:00, 30 minutes?

16 MS. SMITH: Yes.

17 JUDGE MORAN: Is that sufficient for  
18 you, Ms. Tidaback?

19 MS. TIDABACK: Yes, sir. Thank you.

20 JUDGE MORAN: All right. Court  
21 reporter, hear that?

22 THE VIDEOGRAPHER: Thumbs up.

1 JUDGE MORAN: Okay. And so we'll see  
2 you in 30 minutes, and you'll resume. You said  
3 five or six questions to ask your father?

4 MS. TIDABACK: Yes, sir.

5 JUDGE MORAN: Okay. So we're now going  
6 off the record.

7 (Recess)

8 JUDGE MORAN: And so, Jordan Tidaback,  
9 are you still holding to you have five or six more  
10 questions to ask of your father?

11 MS. TIDABACK: Yes, sir. Yes.

12 JUDGE MORAN: Okay.

13 MS. TIDABACK: So to start, may we,  
14 please, turn to Exhibit P38?

15 JUDGE MORAN: P38, sure. And so, Mr.  
16 Tidaback, are you on P38?

17 THE WITNESS: Yes, your Honor.

18 JUDGE MORAN: Okay. Thank you. Go  
19 ahead with your question.

20 BY MS. TIDABACK:

21 Q Mr. Tidaback, is it correct that this is  
22 Rob's termination letter?

1           A       That is the termination letter that I  
2 signed, yes.

3           Q       Okay. Based on that, could you, please,  
4 identify who decided to fire Rob on the  
5 termination order?

6           A       That was --

7                   JUDGE MORAN: I couldn't hear you.

8                   BY MS. TIDABACK:

9           Q       Oh. Could you, please, identify who  
10 made the termination or -- who was on the  
11 termination letter down at the bottom?

12          A       Yes.

13          Q       You terminated him?

14          A       I terminated him. I'm the one that  
15 fired Mr. Baumann, yes.

16          Q       Okay. Thank you.

17                   JUDGE MORAN: And we -- That's admitted  
18 already, right, P38?

19                   MS. SMITH: Yes, your Honor.

20                   JUDGE MORAN: Great.

21                   BY MS. TIDABACK:

22          Q       Mr. Tidaback, do you recall any verbal

1 counseling sessions with Mr. Baumann about raiding  
2 training files?

3 A Yes, numerous times, one specifically,  
4 and it was during the evening shift at that time  
5 with Mr. Baumann because it was a late evening for  
6 me, and I remember the phone call because Mr.  
7 Baumann was fairly new in the role. And we -- We  
8 talked about the training files and that he needed  
9 to read the files, all of them, so that he could  
10 be successful in his role so that we could  
11 progress him to become more than just his role,  
12 basically explaining that he had upward mobility.  
13 He just needed to become better at his role, and  
14 that was when he was starting to have issues in  
15 his role.

16 Q Okay.

17 A And my notes would show that in one of  
18 the exhibits.

19 JUDGE MORAN: Okay. Well, is that an  
20 exhibit that's been admitted?

21 THE WITNESS: It is. I don't recall if  
22 it has.

1 MS. TIDABACK: Let's see.

2 THE WITNESS: We had discussed it  
3 earlier, and you said that I had to do it under  
4 cross or -- testimony, your Honor. That is why it  
5 may be brought up here, Exhibit RB.

6 JUDGE MORAN: I -- I don't have -- I  
7 don't believe I admitted RB.

8 MS. SMITH: That is correct. It is not  
9 admitted.

10 MS. TIDABACK: May it, please, be  
11 admitted?

12 JUDGE MORAN: Do you want to ask your  
13 father questions about RB?

14 MS. TIDABACK: Yes, sir.

15 BY MS. TIDABACK:

16 Q Could you, please, give us a description  
17 of what Exhibit RB is?

18 A RB is the notes that I and the  
19 supervisor keep on the individuals in certain  
20 positions, and this one happens to be for Mr.  
21 Baumann. And it runs from July 26, 2022, through  
22 17 April of 2023.

1           Now -- Now, I will admit, the Secretary,  
2 she didn't like them, that I added it or -- added  
3 more to it after she received a copy, and I  
4 understand that. The additions -- now that I'm  
5 thinking about it since that's where all my notes  
6 go, so anything added after -- I don't know. That  
7 would be -- Yeah. So that would be after whatever  
8 the Secretary was given is what I would say would  
9 be what I would want to have in exhibits. Is that  
10 -- Is that fair to say?

11           JUDGE MORAN: Okay. Well, let's --  
12 let's nail this down a little bit.

13           MS. TIDABACK: Okay.

14           JUDGE MORAN: RB, okay, I just got it --

15           THE WITNESS: Yes, your Honor.

16           JUDGE MORAN: -- is a three-page  
17 exhibit. Do you agree with that, Mr. Baumann, I  
18 mean, Mr. Tidaback?

19           THE WITNESS: Yes, your Honor.

20           JUDGE MORAN: Okay. And at the top of  
21 the first page, it begins with your name -- with  
22 Mr. Baumann's name?

1 MS. TIDABACK: Yes, sir.

2 THE WITNESS: Correct.

3 JUDGE MORAN: Excuse me. And it's dated  
4 Thursday, April 27th -- April 27th --

5 MS. TIDABACK: Um-hum.

6 JUDGE MORAN: -- 2023 at 7:13 p.m.

7 THE WITNESS: The document date there,  
8 your Honor, doesn't -- it's a Team -- it's a  
9 Microsoft --

10 MS. TIDABACK: Notes.

11 THE WITNESS: -- Notes page that gets  
12 updated by the -- I have it in my folder on my  
13 thing, is a wipable notebook where I make my  
14 notes. And at the end of the day, they get  
15 transcribed into one note.

16 JUDGE MORAN: Okay.

17 THE WITNESS: It's very --

18 JUDGE MORAN: I'm not challenging that,  
19 but the -- let's just note for the record what  
20 this exhibit --

21 THE WITNESS: Yes.

22 JUDGE MORAN: -- is about. Now, you've

1 told me, Mr. Tidaback, that these are your  
2 personal notes about Mr. Baumann; is that right?

3 THE WITNESS: That is correct. I refer  
4 back to these type of notes for any type of bonus  
5 pay or progression to the next position, stuff  
6 like that.

7 JUDGE MORAN: Okay. So just so we  
8 understand what's in this exhibit, it's three  
9 pages, not three full pages. The first entry on  
10 page 1 is 26 July 2022, and the last -- the last  
11 entry is 17 April 2023.

12 THE WITNESS: Right.

13 JUDGE MORAN: Do we agree about that?

14 THE WITNESS: Correct.

15 MS. TIDABACK: Oh, yes, sir.

16 JUDGE MORAN: Okay. And are you moving  
17 for admission of these notes?

18 MS. TIDABACK: Yes, sir.

19 JUDGE MORAN: Do you have an objection  
20 to this?

21 MS. SMITH: Yes, we -- we do. As Mr.  
22 Tidaback testified, this document was not provided



1 to us. A version of this document was provided to  
2 MSHA during their inspection. However, the  
3 document has been modified since then that they're  
4 offering here as an exhibit.

5 Also, Mr. Tidaback puts in his cover  
6 page to his exhibit binder that this document is  
7 -- is an ongoing journal. And so it's not clear  
8 when this document was last updated or even the  
9 date here at the top here. It was after Mr.  
10 Baumann's termination, and so we object to the  
11 reliability and authenticity of this document and  
12 that it does vary from what was provided to the  
13 MSHA inspector during the investigation.

14 MS. TIDABACK: Ongoing means its  
15 multiple dates. It's not just one date.

16 JUDGE MORAN: You can't testify either.  
17 You just --

18 MS. TIDABACK: Oh, I'm testifying?

19 THE WITNESS: She knew what I was going  
20 to say.

21 MS. TIDABACK: Sorry.

22 JUDGE MORAN: Do you have telepathy

1 going on here?

2 THE WITNESS: We work so well together,  
3 your Honor. Sometimes, yes, we do.

4 JUDGE MORAN: Okay. Here's my ruling.

5 MS. TIDABACK: Yes, sir.

6 JUDGE MORAN: I'm going to allow Exhibit  
7 RB into the record and either Attorney Smith, who  
8 just spoke, or Attorney O'Reilly and -- deal with  
9 questions about this during cross-examination of  
10 Mr. Tidaback, all right?

11 (Respondent's Exhibit R-B was  
12 marked for identification and  
13 received in evidence.)

14 MS. SMITH: We have the document that  
15 was originally provided to MSHA during its  
16 inspection.

17 JUDGE MORAN: Yes.

18 MS. SMITH: And what we'd like to do, if  
19 now is the appropriate time, move to admit it for  
20 the limited purpose of just, you know, impeaching  
21 the credibility of the document that's been  
22 admitted as RB.

1 JUDGE MORAN: Absolutely. This is  
2 something that you have not -- For this limited  
3 purpose, this is not something I have until now?

4 MS. SMITH: Correct. We'd have to mark  
5 it and identify it as a new exhibit now.

6 JUDGE MORAN: Okay. Well, we'll do that  
7 during cross-examination, all right?

8 MS. SMITH: Okay. Thank you.

9 JUDGE MORAN: All right.

10 THE WITNESS: Yes.

11 JUDGE MORAN: Any other questions about  
12 RB which I've admitted?

13 MS. TIDABACK: No, sir, not at this  
14 time.

15 JUDGE MORAN: All right.

16 BY MS. TIDABACK:

17 Q Let's see. Okay. If -- Okay. I'm just  
18 going to read it. If someone was excellent at  
19 multiple parts of their job but lacked in one  
20 area, do you think you would terminate them?

21 A If they were successful at multiple  
22 parts of their job, so they were doing poorly at

1 just one part?

2 Q Yes, sir.

3 A No.

4 Q Okay. On the other hand, if someone  
5 lacked in multiple areas but may have been good in  
6 one area, do you think you would terminate them?

7 A So they were poor in multiple areas but  
8 good in one?

9 Q Yes, sir.

10 A Yes.

11 Q Okay. Could you, please, tell us the  
12 purpose of hiring a safety specialist.

13 A To keep us in compliance with MSHA and  
14 to keep the miners safe and operation safe, et  
15 cetera.

16 Q Okay. So why would American Tripoli  
17 hire someone specific to the safety role for the  
18 company? I'll end it at that. Why --

19 A Yeah. So why would we hire somebody in  
20 the safety role would be to keep everyone safe.  
21 We wouldn't necessarily need another miner trying  
22 to do that role, especially when they're

1 struggling in their own role.

2 Q Okay. So would you argue that hiring a  
3 safety person means that we do prioritize safety  
4 and compliance?

5 A Oh, yes. So I spent 13 years as an OSHA  
6 inspector for the Department of Defense, the  
7 Oklahoma Military Department, the Army or -- U.S.  
8 Army Aviation Center. I did a lot of accident  
9 investigations. Safety is very important to me.  
10 If you've ever dealt with aviation, you would  
11 understand that.

12 Q Okay. Is it correct that we have  
13 maintenance days every Wednesday on top of  
14 maintenance as needed?

15 A That is correct. If I remember  
16 correctly, during Mr. Baumann's tenure, every  
17 Wednesday between 8 and noon was scheduled  
18 maintenance. That is when they scheduled no  
19 production. And then every other Friday, there  
20 was a -- there was time allowed in the schedule  
21 for the full day every other Friday and then any  
22 other time that Mr. Baumann was in a position of

1 shift lead or Mr. Spears logically would say, "We  
2 need more production time, or we need more  
3 maintenance time, we need to change filters,  
4 replace bearings," stuff like that, yes.

5 Q Okay. So just to follow on that, since  
6 you brought up a good point, would you hold it  
7 against anyone at American Tripoli if we were down  
8 for maintenance or down for an MSHA shutdown of  
9 the production pounds as they've --

10 A No, because if we're shut down by MSHA,  
11 we can't -- we have to follow the guidelines of  
12 MSHA. So why would anybody get counseled for  
13 being down for MSHA? That's -- Yes.

14 Q Okay. Thank you. And just to wrap it  
15 up with a few clarifying questions, looking at the  
16 court complaint, do you feel any roles that you --  
17 that you did not discriminate against any miner or  
18 --

19 A I --

20 Q -- any particular activity?

21 A I do not feel that the company or myself  
22 discriminated against anyone or anything related

1 to MSHA, especially their protected rights.

2 Q Okay. Did you ever stop anyone from  
3 walking or talking with MSHA?

4 A No. We actually encouraged it.

5 Q And just to clarify, did you know Mr.  
6 Baumann was a miners' rep before he was  
7 terminated?

8 A No, I did not.

9 Q Okay. And then my final question, was  
10 Mr. Baumann fired about asking for compensation?

11 A No. We were actually having that  
12 discussion at the same time --

13 Q Okay.

14 A -- with Mr. Markeson.

15 MS. TIDABACK: Okay. Your Honor, that  
16 concludes my questions.

17 JUDGE MORAN: Okay. Are you ready for  
18 cross-examination?

19 MS. SMITH: Yes, we are.

20 CROSS-EXAMINATION

21 BY MS. SMITH:

22 Q Just briefly, during your testimony, you

1 testified as to Exhibit RJJ. I'd like you to turn  
2 to that page, please.

3 COURT REPORTER: Can I clarify who's  
4 questioning?

5 MS. SMITH: This is Elaine Smith.

6 JUDGE MORAN: Thank you, Court Reporter.  
7 RJJ; is that right?

8 MS. SMITH: Yes.

9 JUDGE MORAN: Which is the last exhibit  
10 in that binder.

11 BY MS. SMITH:

12 Q Yes. Are you there, Mr. Tidaback?

13 A Yes, I am.

14 Q And I'll draw your attention to the top  
15 of this e-mail that you discussed during your  
16 testimony. Would you agree with me that the date  
17 of this e-mail is Monday, November the 13th of  
18 2023?

19 A Which e-mail since it's multiples?

20 Q The top e-mail.

21 A From myself to Mr. Boyd?

22 Q Yes. The e-mail at the top of the page,



1 is that e-mail dated Monday, November 13th of  
2 2023?

3 A At 11:01:39 a.m.?

4 Q Is that "yes"?

5 A Yes.

6 MS. SMITH: Your Honor, may I approach  
7 the witness?

8 JUDGE MORAN: Yes. Is this in reference  
9 to the document you were talking about earlier?

10 MS. SMITH: Yes, your Honor.

11 JUDGE MORAN: Okay.

12 MS. SMITH: I'm going to ask him to  
13 identify it. Would you like a copy now or --

14 JUDGE MORAN: I would. I would like a  
15 copy now. Thank you.

16 BY MS. SMITH:

17 Q Mr. Tidaback, I've handed you a document  
18 I've identified as P45. Do you recognize this  
19 document? I'll hand this to you.

20 A Yes. It appears to be an e-mail from  
21 myself to Mr. Dillingham, cc'ing John Spears,  
22 Jordan Tidaback and myself, in regards to Mr.,

1 let's see, Larkins -- Mr. Larkins, Adam, cc'ing  
2 John Spears, Jordan Tidaback and myself requesting  
3 -- Mr. Dillingham was requesting -- Oh, excuse me.  
4 That wasn't actually to Mr. Larkins.

5 JUDGE MORAN: You have to speak up, sir.

6 THE WITNESS: That wasn't to Mr.  
7 Larkins, the second e-mail in that paragraph, but  
8 it does appear to be the correspondence between  
9 myself and Mr. Dillingham.

10 BY MS. SMITH:

11 Q I'm going to direct your attention to  
12 the first page of this document at the top. And  
13 it says "from," and then it says "Russell  
14 Tidaback," and it says "rtidaback@ddco.com." Is  
15 that your address?

16 A Yes.

17 Q Is that your e-mail address?

18 A One of the many, yes.

19 Q And then you sent this e-mail to a Mr.  
20 Michael Dillingham. Do you agree with that?

21 A That's what it shows, yes.

22 Q And Mr. Dillingham is the special

1 investigator of the complaint we've been  
2 discussing this week?

3 A Correct.

4 Q And this e-mail, as you flip through it,  
5 was in response to documents that Mr. Dillingham  
6 had requested during his investigation of Mr.  
7 Baumann's complaint?

8 A It appears -- And I would have to verify  
9 all the details, but it appears that way, yes.

10 Q If you could turn to page 2, and, again,  
11 at the top of this document, it says "from." And,  
12 again, it lists your e-mail address,  
13 rtidaback@ddco.com; is that correct?

14 A It appears out of sequence because the  
15 first page is May 10th. The --

16 JUDGE MORAN: No, no. The question --  
17 that's not -- She's not asking you about sequence.

18 THE WITNESS: Oh.

19 JUDGE MORAN: She's asking you to  
20 identify page 2 of Exhibit --

21 MS. SMITH: P43.

22 JUDGE MORAN: -- P45.

1 MS. SMITH: P45. Excuse me, your Honor.

2 JUDGE MORAN: Yes. So without talking  
3 about your critique of sequence, does it -- does  
4 it indicate what counsel for the Secretary, Ms.  
5 Smith, just said, May 14th -- Sunday, May 14th at  
6 12:43 from you to Mr. Dillingham? Is that what  
7 that page is about?

8 THE WITNESS: Can you ask your question  
9 again?

10 BY MS. SMITH:

11 Q Yes. Is this your e-mail address at the  
12 top, rtidaback@ddco.com?

13 A Yes.

14 Q And, again, you're sending this e-mail  
15 to Mr. Michael Dillingham; is that correct?

16 A Yes.

17 Q And further down at the top of this page  
18 in the header section, it says the word  
19 "Attachments." Do you see that?

20 A Yes.

21 Q And can you locate in that Attachment  
22 section where it says the attachment Rob space

1 Baumann space hyphen space notes dot PDF.

2 A Correct.

3 Q I'm going to direct your attention to  
4 the body of the e-mail address or -- the e-mail of  
5 this page. There's a No. 3. Do you see that?

6 A Where it starts --

7 Q With the No. 3.

8 A Referring to the statement below?

9 Q Yes. Are you there?

10 A Yes, ma'am.

11 Q I'm going to direct your attention to  
12 the second sentence that starts with, "I have  
13 attached." Please let me know when you're there.

14 A Yes.

15 Q This states, "I have attached a copy of  
16 the employee notes journal paren Rob Baumann space  
17 hyphen space notes dot PDF closed paren that I  
18 maintain on each employee." Did I read that  
19 correct?

20 A Yes.

21 Q I'm going to ask you to turn to pages 7,  
22 8 and 9 of this document. They're numbered on the

1 bottom right-hand side. Are you there?

2 A Yes, ma'am.

3 Q Do you recognize the pages identified as  
4 7, 8 and 9 as the document that was referred to in  
5 the e-mail, Rob Baumann hyphen notes dot PDF?

6 A Without looking at that e-mail, I  
7 wouldn't -- wouldn't know.

8 Q Do these -- Do you recognize these to be  
9 the notes that you provided Mr. Dillingham  
10 regarding Rob Baumann during Mr. Dillingham's  
11 investigation of the complaint?

12 A Without looking at that e-mail to verify  
13 it, no, I wouldn't.

14 Q What part of that e-mail is it that you  
15 need to look at to verify?

16 A To verify what attachments.

17 JUDGE MORAN: You have to keep your  
18 voice up. To verify what?

19 THE WITNESS: The attachments. Oh,  
20 sorry. This one, the attachments. I would need  
21 to verify the attachments to verify what was  
22 attached. I can't assume that this was. I don't

1 know.

2 BY MS. SMITH:

3 Q Is there anything about the documents in  
4 7, 8 and 9 that you would believe are not your Rob  
5 Baumann notes that you provided to Mr. Dillingham?

6 A Without verification, I just couldn't  
7 verify that.

8 Q All right.

9 JUDGE MORAN: No, but that's a fair  
10 question for counsel to ask.

11 THE WITNESS: Do I -- do I -- Can you  
12 ask it again? I'm sorry.

13 BY MS. SMITH:

14 Q Is there anything about the document  
15 attached on pages 7, 8 and 9 that you do not  
16 recognize as the notes regarding Rob Baumann that  
17 you provided to Mr. Dillingham during his  
18 investigation of this matter?

19 A No. I don't see anything that would say  
20 that it wouldn't be, but I don't -- I can't verify  
21 that.

22 MS. SMITH: Your Honor, at this time,

1 we'd move to admit Exhibit P45 for the limited  
2 purpose of impeaching respondent's Exhibit RB.

3 JUDGE MORAN: Is there any objection?

4 MS. TIDABACK: I don't have the  
5 document.

6 THE WITNESS: Oh, I see.

7 JUDGE MORAN: The question on the table  
8 for you, Jordan Tidaback, is if you have an  
9 objection to the admission of this exhibit.

10 MS. TIDABACK: I don't blatantly see why  
11 not. No, sir, I don't.

12 JUDGE MORAN: Okay. P45 is admitted.

13 (Complainant's Exhibit P-45 was  
14 marked for identification and  
15 received in evidence.)

16 JUDGE MORAN: You know, Counsel, you  
17 have to make sure that the respondent has a copy  
18 of this.

19 MS. SMITH: She can keep that copy.

20 JUDGE MORAN: Okay. And when we  
21 conclude this proceeding, whether it's this week  
22 or next week, you'll have to -- in addition to



1     courteously supplying, I appreciate this, the  
2     boxes of records that have been admitted in this  
3     record, you then have to send a second box of the  
4     exhibits to both sides to the Commission's  
5     Washington, D.C. address. I'll give you that in a  
6     conference call we'll have next week.

7                 MS. SMITH: Okay. No problem.

8                 JUDGE MORAN: Because normally, what  
9     happens in these proceedings, just for the  
10    edification of people, because this is an unusual  
11    technical arrangement, the court reporter leaves  
12    in all -- every case I've ever had, actually,  
13    until this one, if it wasn't a virtual, a Zoom  
14    hearing, I've had those, too, but the court  
15    reporter leaves physically with the exhibits. I  
16    take a set home. The court reporter takes a set  
17    home, and the parties go back with their own set  
18    as well. That's how it typically happens.

19                So we don't have a court reporter  
20    physically in the room, and I'm not putting this  
21    on Mr. Holt. So that's why the Secretary's going  
22    to have to submit two sets, one to me at my home

1 office, one to the Commission address, which I  
2 will direct you about.

3 MS. TIDABACK: Yes, your Honor.

4 JUDGE MORAN: Okay.

5 BY MS. SMITH:

6 Q I also have a question for you about  
7 that document.

8 A Yes.

9 Q I'm also going to ask you to return to  
10 Respondent's Exhibit B.

11 A B?

12 Q Yes, Mr. Tidaback. Please turn to  
13 Respondent's Exhibit B.

14 A Oh, respondent's.

15 JUDGE MORAN: Single B.

16 MS. SMITH: Single B. This document has  
17 been admitted.

18 JUDGE MORAN: Thank you.

19 THE WITNESS: So RB?

20 BY MS. SMITH:

21 Q Yes.

22 A Yes, I'm there.

1           Q     Mr. Tidaback, you agree with me that the  
2 document depicted in Exhibit RB is not identical  
3 to the document that's depicted in P45, pages 7, 8  
4 and 9, correct?

5           A     So you're just simply stating that there  
6 was more added?

7           JUDGE MORAN: No, no. The question is  
8 very simple.

9           THE WITNESS: Yes.

10          JUDGE MORAN: Do you agree that the  
11 document in RB is not identical to those pages  
12 which appear in P45? Is that a correct  
13 characterization of your question?

14          MS. SMITH: Yes. Yes, your Honor.

15          THE WITNESS: Yes, I agree.

16          JUDGE MORAN: Okay. He agrees they're  
17 not identical.

18          MS. SMITH: Thank you.

19          BY MS. SMITH:

20          Q     And continuing on Respondent's Exhibit  
21 B, you agree with me that Exhibit B contains an  
22 entry for February 14th of 2023, correct?

1           A       Yes.

2           Q       And you agree with me that that entry of  
3   February 14th, 2023, does not appear in the  
4   document P45 on pages 7, 8 and 9, correct?

5           A       That's correct.

6           Q       Turning back to Respondent's Exhibit B  
7   --

8                   JUDGE MORAN: By the way, let me  
9   interrupt because you're soft spoken at times.  
10   Court Reporter, did you hear the witness's answer,  
11   Mr. Tidaback? His last words were "correct."

12                   THE VIDEOGRAPHER: Thumbs up.

13                   JUDGE MORAN: Thank you.

14                   BY MS. SMITH:

15           Q       You agree with me that Respondent's  
16   Exhibit B includes an image of some Teams chat  
17   messages; is that correct?

18           A       That's correct.

19           Q       Previously, you testified that these  
20   notes are generated based on you writing in a  
21   wipable notebook and then that text being uploaded  
22   into one note; is that correct?

1           A       More to that, yes.

2           Q       You would agree with me that Teams chat  
3 messages are not something that you wrote in a  
4 wipable notebook, correct?

5           A       Teams chats are not writable, no.

6           Q       So you agree with that, correct?

7           A       I -- Yes.

8           Q       Continue looking at Respondent's Exhibit  
9 B. Can you locate the entry for November 5th of  
10 2022?

11          A       Yes.

12          Q       November 5th, 2022, is a Saturday; is  
13 that correct?

14          A       Correct.

15          Q       The mill was not running on that day,  
16 correct?

17          A       No. That would be the date that I added  
18 the entry, not the actual specific date.

19          Q       It's the date that you made an entry,  
20 but your entry is not about that date?

21          A       It doesn't have to be that date 'cause  
22 if I don't -- if I talk to him late on a Friday

1 evening, say, 4 November in this case and Saturday  
2 morning I make the notes, it's tracked as that  
3 date that I wrote the notes.

4 Q At the top of Respondent's Exhibit B,  
5 the date is Thursday, April 27th, 2023, at 7:13  
6 p.m. Did I read that correctly?

7 A Did you read that correctly? Yes.

8 Q I'm going to ask you to turn to P12.  
9 P12 has been previously admitted.

10 JUDGE MORAN: Thank you.

11 BY MS. SMITH:

12 Q Are you there, Mr. Tidaback?

13 A Yes, ma'am.

14 JUDGE MORAN: But give me a second to  
15 get there. P12?

16 MS. SMITH: Yes, your Honor.

17 JUDGE MORAN: Okay. I am now at P12.

18 BY MS. SMITH:

19 Q And, Mr. Tidaback, you responded to  
20 these interrogatories on behalf of the respondent,  
21 correct?

22 A That's correct.

1           Q     And you signed these interrogatories  
2 under the penalty of perjury, correct?

3           A     That's correct.

4           Q     Please turn to page 3.

5           A     I'm at page 3.

6           Q     Please direct your attention to  
7 interrogatory No. 5. This interrogatory asked you  
8 to set forth the reasons Mr. Baumann was  
9 terminated, who participated in the decision and  
10 when that date of that decision was made, correct?

11          A     That's what it states, yes, ma'am.

12               JUDGE MORAN: You're speaking so soft.

13               THE WITNESS: Sorry.

14               JUDGE MORAN: I want you to speak as you  
15 normally would so that you can be heard, sir.

16               THE WITNESS: Yes, sir.

17               BY MS. SMITH:

18          Q     And then please turn to page 4. Your  
19 response to this interrogatory identifies three  
20 individuals who participated in the decision to  
21 terminate Mr. Baumann. And those individuals were  
22 Russell Tidaback, Jordan Tidaback and, on page 5,

1 John Spears; is that correct?

2 A They are -- They are in the  
3 decision-making process, yes.

4 JUDGE MORAN: I'm sorry?

5 THE WITNESS: They are in the  
6 decision-making process.

7 JUDGE MORAN: She said, "Is that  
8 correct?"

9 THE WITNESS: Yes, sir. The final  
10 decision-maker is me.

11 MS. SMITH: I would ask that that  
12 response be stricken from the record as there was  
13 no question pending.

14 JUDGE MORAN: Yes. The answer is  
15 stricken from the record. However, if you ask  
16 questions on -- on redirect, Ms. Tidaback, you can  
17 ask who makes -- who makes the final decision and  
18 termination. You can ask that then if you wish.

19 MS. SMITH: Your Honor, may I briefly  
20 confer with my co-counsel?

21 JUDGE MORAN: Of course.

22 (Discussion off the record.)



1 MS. SMITH: Your Honor, we have no  
2 further questions of this witness.

3 JUDGE MORAN: Okay. Do you have some  
4 questions on redirect, Ms. Tidaback?

5 MS. TIDABACK: Yes, sir.

6 JUDGE MORAN: Okay.

7 REDIRECT EXAMINATION

8 BY MS. TIDABACK:

9 Q Mr. Tidaback -- Oh, Do I need to state  
10 my name? This is Jordan Tidaback.

11 JUDGE MORAN: Yes.

12 MS. TIDABACK: Good?

13 JUDGE MORAN: Thank you.

14 BY MS. TIDABACK:

15 Q Who makes the final decision in  
16 terminations?

17 A That would be me.

18 Q Okay. And then just for clarification,  
19 at any time -- have we ever run on Saturdays at  
20 any time?

21 A There may have been an opportunity for  
22 overtime sometime but not -- that is not a -- we

1 -- When we offer overtime or we were to run on a  
2 Saturday, it was because the mill was shut down  
3 during the week, and we want to make sure that all  
4 the employees would get their 40 hours. So we  
5 offered that time so they could get caught up on  
6 their hours. Or if the shift lead wanted to get  
7 the guys together to get some overtime for the  
8 hours based on the production shift, we -- we --  
9 we offered that. But it was rarely, rarely ever  
10 because most people said they didn't want to run.

11 MS. TIDABACK: I'm finished, sir.

12 JUDGE MORAN: Okay. Any questions from  
13 the Secretary?

14 MS. SMITH: We have no further questions  
15 for this witness.

16 JUDGE MORAN: Okay. Thank you, Mr.  
17 Tidaback, for your testimony.

18 THE WITNESS: Yes, sir.

19 JUDGE MORAN: Okay. So now, giving a  
20 moment for Mr. Tidaback to communicate with Jordan  
21 Tidaback, once you've had that moment, I need you  
22 to tell me if there are other witnesses the

1 respondent wishes to present or whether that  
2 concludes the respondent's testimony in this  
3 matter.

4 MR. TIDABACK: Thank you, your Honor.

5 (Discussion off the record.)

6 MR. TIDABACK: Sir, it's more  
7 housekeeping. There won't be another witness.

8 JUDGE MORAN: Okay. So there are  
9 housekeeping issues. That's a broad term. You  
10 want to identify the housekeeping issues?

11 MR. TIDABACK: Yes. Sorry.

12 JUDGE MORAN: Then after the  
13 housekeeping issues, that will -- am I correct  
14 that will complete your defense in this matter?

15 MS. TIDABACK: I believe so. I believe  
16 so, your Honor.

17 JUDGE MORAN: Okay. So let's go through  
18 the housekeeping matters one at a time then.

19 MR. TIDABACK: Just to clarify, the  
20 respondent's interrogatories, we've submitted them  
21 as RGG and RFF.

22 JUDGE MORAN: Okay. RGG and RFF, yes.

1 MR. TIDABACK: Were they submitted and  
2 accepted by your Honor previously?

3 JUDGE MORAN: I don't know, but I can  
4 easily cure that. Do you want to have RGG and RFF  
5 admitted into the record?

6 MR. TIDABACK: Yes, your Honor.

7 JUDGE MORAN: Do you see an objection to  
8 that?

9 MS. O'REILLY: We would just like to  
10 note -- we don't have an objection, but we will  
11 note for clarification that FF is the same as P39,  
12 and GG is the same as P34.

13 JUDGE MORAN: Okay. Thank you for that.  
14 The answer to your question, Mr. Tidaback, is that  
15 RGG and RFF are admitted into the record.

16 (Respondent's Exhibits R-GG and  
17 R-FF were marked for identification  
18 and received in evidence.)

19 JUDGE MORAN: And you remember, I made a  
20 reference to that in the e-mail to you people that  
21 said I've had other hearings when we've had the  
22 same exhibit introduced by both sides or maybe not

1 exactly the same but covering the same material.  
2 And that's not a problem, so they're admitted.  
3 Okay.

4 MR. TIDABACK: The reason for the  
5 question is I just wanted to make sure we didn't  
6 have to print more paper if it was already --

7 JUDGE MORAN: No. You're fine. RGG and  
8 RFF are in.

9 MR. TIDABACK: Okay. That was my  
10 question.

11 JUDGE MORAN: Do you have any other  
12 housekeeping matters?

13 MR. TIDABACK: That was all the ones,  
14 sir.

15 JUDGE MORAN: Okay. So now we have a  
16 question. The next in this procedure process --  
17 You don't have to stand, sir, unless you want to  
18 stand and if you feel more comfortable. You  
19 indicated you --

20 MR. TIDABACK: I do sometimes, your  
21 Honor.

22 JUDGE MORAN: I wish I could sometimes.

1     Okay. But it's a little awkward for me to stand  
2     during the course of a hearing. So now does the  
3     government have any -- intend to enter any  
4     rebuttal testimony?

5                 MS. SMITH: We do, your Honor. We'd  
6     like to recall Mr. Rob Baumann in rebuttal for the  
7     limited purpose that we've kind of discussed  
8     earlier.

9                 JUDGE MORAN: Okay. Watch that tripod.  
10    Now, Mr. Baumann, you're on the record. Court  
11    Reporter, thumbs up again? Did I get a thumbs up?

12                THE VIDEOGRAPHER: Thumbs up.

13                JUDGE MORAN: Okay. Mr. Baumann, put on  
14    your thing like you did yesterday. Do you  
15    understand you're still under oath, sir?

16                THE WITNESS: Yes, your Honor.

17    Whereupon,

18                         ROBERT BAUMANN  
19    was recalled as a witness and, having been  
20    previously duly sworn, was examined and testified  
21    further as follows:

22                JUDGE MORAN: Okay. And we're going to

1 have just for clarification, which, actually,  
2 Jordan Tidaback helped us out with that, right now  
3 we have questioning by Secretary's attorney Ms.  
4 O'Reilly. Proceed.

5 FURTHER REDIRECT EXAMINATION

6 BY MS. O'REILLY:

7 Q Mr. Baumann, you were never disciplined  
8 at American Tripoli for failing to guard  
9 machinery, correct?

10 A No, ma'am.

11 Q It's correct that you were never  
12 disciplined for failing to guard machinery?

13 A I was never disciplined for not -- for  
14 not guarding machinery.

15 Q And did you learn about MSHA's  
16 machine-guarding requirements after you started  
17 walking around with MSHA during the inspections?

18 A Yes, ma'am.

19 MS. O'REILLY: That's all we have.

20 JUDGE MORAN: Okay. Mr. Tidaback, do  
21 you have some questions to ask about this?

22 MR. TIDABACK: I do, actually. Trying

1 to transcribe one of them now, but I do have one  
2 before that.

3 JUDGE MORAN: Sure. Yep. Well, head up  
4 to the microphone.

5 MR. TIDABACK: Can you hear me?

6 THE VIDEOGRAPHER: Yes.

7 MR. TIDABACK: Okay. Thank you.

8 FURTHER RECROSS EXAMINATION

9 BY MR. TIDABACK:

10 Q First question, your Honor, Mr. Baumann,  
11 did you receive new miner training that discusses  
12 guarding?

13 MS. O'REILLY: Objection. Asked and  
14 answered.

15 JUDGE MORAN: I'm going to allow the  
16 question to be answered.

17 THE WITNESS: Yes. The initial 30, 45  
18 minutes of safety training I would have called it.

19 JUDGE MORAN: So his answer is "yes."

20 MR. TIDABACK: Yes, your Honor.

21 BY MR. TIDABACK:

22 Q Were -- Okay. So you had testified that



1     you were not disciplined for guarding machinery,  
2     but you were able to put guarding back on if it  
3     was off, or you tasked that out to have that  
4     guarding put back on, correct?

5           A     I don't -- guess I --

6           Q     If the guarding was off, would you do it  
7     yourself or task someone else to do it if you saw  
8     the guarding off?

9           A     Yes.

10           MR. TIDABACK:   Okay.   That's all, your  
11   Honor.

12           JUDGE MORAN:   Okay.

13           MS. O'REILLY:   No further questions,  
14   your Honor.

15           JUDGE MORAN:   All right.   That was  
16   brief, wasn't it?

17           THE WITNESS:   Yes, that was.   That was  
18   pleasant.   Thank you, your Honor.

19           JUDGE MORAN:   You're excused to go back  
20   to the seating area.   All right.   We may be on the  
21   verge of wrapping this proceeding up.   All right.  
22   Watch that tripod, okay?

1 MR. BAUMANN: Thank you.

2 JUDGE MORAN: Any further evidence or  
3 housekeeping matters from the Secretary of Labor?  
4 And we have Ms. Smith speaking.

5 MS. SMITH: Yes. Thank you, your Honor.  
6 Just one housekeeping item. Before we adjourn for  
7 the day, I would just like to go through and make  
8 sure we both have the same list of exhibits that  
9 have been admitted so that we don't get back home  
10 and are confused about what we have or have not  
11 admitted.

12 And along those lines, when we send you  
13 the notebook and we send the notebook for the  
14 court reporter, I think I understood your  
15 instruction earlier on Tuesday that we're to  
16 remove exhibits that were not admitted, so I  
17 wanted to clarify that procedure.

18 JUDGE MORAN: That's absolutely true,  
19 and I explained why. If I have extraneous  
20 exhibits, which I'm defining as exhibits that were  
21 not admitted into the record, it can be confusing.  
22 If, for instance, one side or the other, and

1 there's always one side or the happy that's  
2 unhappy with my decisions, I can tell you that,  
3 that if there are exhibits in there, a person that  
4 shouldn't be in there, a reviewing body like the  
5 Commission, could be confused, could see an  
6 exhibit and not be able to decipher why that's in  
7 there or what its purpose was or even  
8 inappropriately refer to such an exhibit.

9           So the -- the -- the Secretary of Labor,  
10 this is rather important, these three  
11 representatives, the term of art in our legal  
12 profession is they are officers of the court. In  
13 other words, they have duties to me and to any  
14 judge, all right. So they are under a strict  
15 obligation to follow my instructions faithfully in  
16 good faith and with due diligence. And so I have  
17 instructed them to go through the record and  
18 delete, that is, remove, those exhibits from  
19 either side that were not admitted into the  
20 record. And in the case of the respondent's  
21 exhibits, they can either return them to you or to  
22 keep -- keep them apart from but not submit it to

1 the Commission.

2 Now, I'll listen further, but to me --  
3 and I'm not degrading what you said, but it seems  
4 to me that the record has been very clear about  
5 what exhibits were admitted. So you're going to  
6 be reviewing that, and I don't expect these  
7 exhibits to be sent to me next week, okay?

8 MS. SMITH: Okay.

9 JUDGE MORAN: So you'll go through the  
10 transcript, and you should communicate out of  
11 courtesy, professional courtesy, to the Tidabacks  
12 that this is your list as opposed to taking time  
13 here. And, well, I didn't do a great job. I was  
14 writing them all down, but this is just a mess and  
15 -- because it's not my job tom as it is your job  
16 to, keep a record about the exhibits or admitted.  
17 But the transcript will very clearly speak to what  
18 was admitted, and if there's something wrong with  
19 one of the court reporters, I do have all these  
20 written down. I don't think we'll need that, but  
21 they're staying with me. All right.

22 So I'm declining your invitation to take

1 all the time to go through because that wouldn't  
2 be the last word. What if -- what if both of us  
3 missed one and the transcript -- transcript  
4 clearly says Exhibit P, whatever you want to put  
5 in there, is in there? We couldn't say, "Well, we  
6 talked at the -- near the end of the hearing and  
7 said it wasn't included, so, therefore we're not  
8 going to." That would be inane, right? We don't  
9 want to have inane results as much as we can avoid  
10 them, all right. So thank you, but that's the way  
11 we're going to proceed. So Mr. Tidaback has a  
12 question for me. No. That's fine.

13 MR. TIDABACK: And it's confusing  
14 because when we were -- I was standing there. I  
15 don't know what that position's called, but --

16 JUDGE MORAN: Podium.

17 MR. TIDABACK: -- yeah, podium and  
18 asking questions, and it was questions related to  
19 exhibits that we presented.

20 JUDGE MORAN: Yeah.

21 MR. TIDABACK: I couldn't -- I couldn't  
22 add that Exhibit 2 until I testified.

1 JUDGE MORAN: That's right, see, because  
2 there wasn't a foundation laid. You were asking  
3 witnesses about -- I'm speaking broadly now, but I  
4 remember we had at least a couple of instances  
5 where the -- you were asking questions of a  
6 witness who couldn't really authenticate or  
7 identify the document any more than I could.

8 So what you needed to do was to have  
9 either something that's self-authenticating, which  
10 for a small business like that you wouldn't have  
11 that, or the individual who generated the exhibit  
12 testify. That's why we were waiting for you or  
13 Mr. Spears, who were two witnesses in this matter  
14 for the respondent, to identify a particular  
15 exhibit in order to get it in unless it was -- see  
16 how it gets complicated, unless it was an official  
17 record I could take judicial notice of.

18 MR. TIDABACK: Right.

19 JUDGE MORAN: So if you're telling me in  
20 a roundabout way that there was some exhibit that  
21 you wished could be admitted --

22 MR. TIDABACK: Yes.

1 JUDGE MORAN: -- but through some  
2 deficiency such as not having laid a proper  
3 foundation, I'll give you a few moments now to  
4 identify such exhibits. I'll give you five  
5 minutes. There couldn't be many. But if there  
6 are some exhibits that you feel should be part of  
7 the record and through some deficiency I did not  
8 admit them, I'll give you an opportunity to try  
9 again, and I'll hear from the Secretary of Labor  
10 if you have an objection to that.

11 So take your time. It's 1:49. Take a  
12 few moments to see if there's something that you  
13 feel is important and, so that you get a fair  
14 hearing, should be considered.

15 MR. TIDABACK: I have 12. There's 12  
16 exhibits, your Honor.

17 JUDGE MORAN: 12 exhibits?

18 MR. TIDABACK: Oh, those are the ones  
19 you admitted. Okay. Sorry. That was a mistake.

20 JUDGE MORAN: Okay. Yeah. That's fine.

21 MR. TIDABACK: Yes. And since -- Yeah.  
22 So we have the 12 exhibits I referenced as being

1 admitted. How do we confirm that that was done?

2 JUDGE MORAN: You confirmed it by having  
3 -- You're going to order a copy of the transcript,  
4 okay, and the transcript will indicate which  
5 exhibits were admitted. We were pretty meticulous  
6 about this.

7 MR. TIDABACK: Okay. So does -- and --  
8 Does the Secretary just like on the -- what are  
9 those called, the depositions, do they provide  
10 that transcript to us, or do we need to do  
11 something different to get it?

12 MS. SMITH: In the Exhibit No. P44 and  
13 P45?

14 MR. TIDABACK: No, that's what I'm  
15 asking. The judge --

16 MS. O'REILLY: A transcript of this  
17 hearing is what you're asking about?

18 JUDGE MORAN: You're asking about the  
19 transcript of this hearing?

20 MR. TIDABACK: Isn't that what you're  
21 referring to, your Honor, when we have to look and  
22 see if the exhibits are --



1 JUDGE MORAN: Yes. If you're concerned  
2 that there was an exhibit -- The transcript will  
3 inform all of us which exhibits were admitted and  
4 which exhibits were not admitted, okay. What I've  
5 just given you an opportunity to, and you've not  
6 indicated any, any exhibits that were not admitted  
7 that you feel in fairness should be admitted. I  
8 would listen to those exhibits that you may  
9 identify, if there are any. I'm not saying there  
10 are. But I'm giving you, out of an abundance of  
11 fairness, an opportunity to go through your  
12 exhibits and see if there's something that through  
13 inadvertence or some other deficiency didn't get  
14 into the record, and then I will hear from the  
15 other side if there's an objection.

16 I don't know that there are any that you  
17 feel should have gotten in the record. But the  
18 other thing is you'll have to work with the court  
19 reporter. And if you e-mail me Monday, I will  
20 give you the court reporter's address, right,  
21 Court Reporter? Okay. Did I get a thumbs up?

22 THE VIDEOGRAPHER: Thumbs up.

1 JUDGE MORAN: And then you'll contact  
2 that person to make arrangements to have  
3 transcripts sent to you at a cost. I mean, I  
4 don't know what the fee is, but it's not free,  
5 okay. So you'll order a transcript, and I'm  
6 getting big smiles?

7 THE VIDEOGRAPHER: Big thumbs up.

8 JUDGE MORAN: Big thumbs up. All right.  
9 So I knew the court -- This is for the benefit of  
10 everybody. Typically -- And this is addressed to  
11 Madam Court Reporter, Ms. Schmaling. If I had a  
12 nickel for every time my name has been  
13 mispronounced, it's only five letters, but you can  
14 imagine.

15 Anyway, my understanding, Madam Court  
16 Reporter, is that you and your predecessor court  
17 reporters are to produce a copy of the transcript  
18 within ten business days of the conclusion of the  
19 hearing. So the first business day would be  
20 Friday and then not including weekends. Ten days  
21 after that, you are to have the transcripts  
22 prepared, and they will be sent to the parties

1 requesting it.

2           The Secretary of Labor will  
3 independently request a copy through their own  
4 procedures that they use. I won't elaborate upon  
5 that, and the Commission who has hired you, the  
6 Federal Mine Safety and Health Review Commission,  
7 they're under contract with maybe not you directly  
8 but through Anderson Reporting that you are to  
9 provide to the Commission and, therefore, to me  
10 with a copy of this transcript. Do you understand  
11 that? Do we get a thumbs up?

12           THE VIDEOGRAPHER: Thumbs up.

13           JUDGE MORAN: Okay. And this is for --  
14 Please communicate this to the other court  
15 reporter if it hasn't already been communicated.  
16 When you send me my copy, I get a Word version,  
17 okay, and I also get in that electronic version a  
18 four-page version where there are four pages of  
19 transcript on each page produced. Thumbs up?

20           THE VIDEOGRAPHER: Thumbs up, yes.

21           JUDGE MORAN: You've done this before?

22           THE VIDEOGRAPHER: Yes.

1 JUDGE MORAN: Good. Okay. So, Mr.  
2 Tidaback, you'll contact my office. Send me an  
3 e-mail Monday. I'll respond to it with the  
4 information for her of how to get a copy of the  
5 transcript sent to you. There's no rush because  
6 they won't even be prepared for ten business days  
7 starting tomorrow, so you'll place your order.  
8 And then I assume at roughly the same time I get  
9 my copy, you'll get yours.

10 MR. TIDABACK: Thank you.

11 JUDGE MORAN: All right. Now, remember  
12 I promised, this is important, no one reminded me  
13 but I'm reminding you, beginning with the  
14 government, did you have a full opportunity to  
15 present your complaint on behalf and -- of Mr.  
16 Baumann and the Secretary of Labor for  
17 interference and discrimination in this matter?

18 MS. SMITH: Yes, your Honor.

19 JUDGE MORAN: Okay. And that is Ms.  
20 Smith speaking?

21 MS. SMITH: Yes.

22 JUDGE MORAN: Okay. Now, Mr. Tidaback

1 and Jordan Tidaback, did you folks have a full  
2 opportunity to present your defense in this  
3 matter?

4 MR. TIDABACK: To the best of my  
5 ability, your Honor, yes, I do believe we did.

6 JUDGE MORAN: Okay. All right. Then --  
7 and I'll give anyone -- By the way, we left this  
8 hanging. Are there any exhibits, Mr. Tidaback,  
9 that you --

10 MR. TIDABACK: We're finishing up on  
11 that list, your Honor.

12 JUDGE MORAN: All right. So I'll give  
13 you a few more minutes to discuss that, and then  
14 we'll go around the table one more time. Is there  
15 anything else before we have this hearing come to  
16 a close?

17 MS. SMITH: Nothing further from the  
18 Secretary of Labor.

19 JUDGE MORAN: Okay. I want to thank Mr.  
20 Holt. Thank you very much for your valuable and I  
21 appreciate your good humor and technical  
22 expertise.

1 THE VIDEOGRAPHER: Any time.

2 (Discussion off the record.)

3 MR. TIDABACK: Just for clarification,  
4 so we don't duplicate it like you've mentioned,  
5 RRH and RRI are interrogatory answers/responses.

6 JUDGE MORAN: Let's just take them one  
7 at a time. RHH.

8 MR. TIDABACK: RHH.

9 JUDGE MORAN: And, of course, I don't  
10 have RHH as one of my multipage exhibits admitted.  
11 I have RH but not RHH.

12 MR. TIDABACK: Correct.

13 JUDGE MORAN: So he's asking if the RHH  
14 is in the record through one of the Secretary's  
15 exhibits; is that right, Mr. Tidaback?

16 MR. TIDABACK: Yes, your Honor.

17 MS. SMITH: Yes, your Honor. RHH is the  
18 same as P12, and P12 has been admitted.

19 JUDGE MORAN: Thank you. Next question.  
20 You had two. Another exhibit?

21 MR. TIDABACK: RII.

22 JUDGE MORAN: RII.

1 MS. SMITH: And, your Honor, RII is the  
2 same as P29, but P29 has not been admitted.

3 JUDGE MORAN: Okay. Let's take a look  
4 at P29. Okay. And so, Mr. Tidaback, is -- do you  
5 have P29 in front of you?

6 MR. TIDABACK: Yes, your Honor.

7 JUDGE MORAN: Okay. And your intention  
8 behind this is to have P29 admitted?

9 MR. TIDABACK: Yes, your Honor.

10 JUDGE MORAN: And, again, P29 is on your  
11 side. It's called what?

12 MR. TIDABACK: R --

13 JUDGE MORAN: Not R. Yes, R, yes.

14 MR. TIDABACK: RII.

15 JUDGE MORAN: All right. RII. Let me  
16 take a look at that, and does the Secretary of  
17 Labor agree RII is the same as P29?

18 MS. SMITH: Yes, your Honor, that's our  
19 position.

20 JUDGE MORAN: Okay. And I could take  
21 official notice of this submission, and it's among  
22 the Secretary's proposed exhibits anyway. I

1     assume you have no objection to P29?

2                   MS. SMITH:   Correct.   No objection to  
3     P29 or RII.

4                   JUDGE MORAN:   Very good.   Okay.   So  
5     those are in.

6                                 (Respondent's Exhibit R-II was  
7                                 marked for identification and  
8                                 received in evidence.)

9                   MR. TIDABACK:   So RJJ I do believe we  
10    just added when that was one on the -- Correct?

11                   JUDGE MORAN:   RJJ, did I admit that one?  
12    Let me take a look.

13                   MR. TIDABACK:   Right.   Yep.

14                   MS. SMITH:   Your Honor, RJJ has not been  
15    moved to be admitted into evidence.

16                   JUDGE MORAN:   Well, good, because I  
17    didn't find it among my -- my notes here.   Okay.  
18    So RJJ, and is RJJ also one of the Secretary's  
19    exhibits?

20                   MS. SMITH:   No, your Honor.

21                   JUDGE MORAN:   Okay.   So let's take a  
22    look at RJJ.   RJJ, this is my description, you can



1 tell me if you disagree with it, Mr. Tidaback, is  
2 a multipage exhibit. You were questioned about  
3 that, were you not?

4 MR. TIDABACK: Yes, I was.

5 MS. SMITH: That is correct, your Honor.

6 JUDGE MORAN: Okay. And that's Ms.  
7 Smith speaking. I'm admitting RJJ into the  
8 record.

9 MS. SMITH: Oh, we would like to just,  
10 for the record, lay -- issue an objection to the  
11 document on the basis of relevance because the  
12 date of the document, the e-mails that were  
13 exchanged, were on November 13th of 2023 which was  
14 seven months after Mr. Baumann's termination.

15 JUDGE MORAN: I understand, and -- and  
16 what you would do is it's entered into the record,  
17 but you can identify the shortcomings of that and  
18 that in effect how much, if at all, I would -- I  
19 would use that in deliberating on my decision.

20 MS. SMITH: Yes. Thank you.

21 JUDGE MORAN: Okay. I'm admitting this  
22 despite that flaw that you mentioned, Attorney

1 Smith, because I want to make sure that I've  
2 extended as far as I possibly can fairness to the  
3 respondent, Mr. Tidaback, and his daughter as they  
4 are pro se. But the fact it is admitted doesn't  
5 mean that it gets you there anywhere. It just  
6 means it's part of the record. So RJJ is  
7 admitted, okay?

8 (Respondent's Exhibit R-JJ was  
9 marked for identification and  
10 received in evidence.)

11 MR. TIDABACK: Can I ask a question?

12 JUDGE MORAN: Sure.

13 MR. TIDABACK: How would I get that  
14 information before he was fired?

15 JUDGE MORAN: Oh, no. Now you're  
16 challenging.

17 MR. TIDABACK: Okay. Sorry.

18 JUDGE MORAN: Okay.

19 MR. TIDABACK: So --

20 JUDGE MORAN: We're past that. The  
21 testimony's over.

22 MR. TIDABACK: Sorry, your Honor.

1 JUDGE MORAN: Okay.

2 MR. TIDABACK: So R echo, echo, so EE.

3 JUDGE MORAN: You have another one?

4 MR. TIDABACK: Yes, your Honor.

5 JUDGE MORAN: Okay. See, this is my  
6 problem for being too nice. REE?

7 MR. TIDABACK: Yes, your Honor.

8 MS. SMITH: Your Honor, this exhibit was  
9 previously offered, and it was not admitted.

10 JUDGE MORAN: Okay. It was previously  
11 offered, and I denied its admission?

12 MS. SMITH: You -- Yes. That's correct.  
13 You denied the admission at the time.

14 JUDGE MORAN: Okay. And I'm going to  
15 stick with my denial of the admission, so REE is  
16 not admitted for the reasons I articulated during  
17 the course of the hearing.

18 MS. SMITH: Yes, and this may be a flaw  
19 that could be cured at this point. At the time, I  
20 think Mr. Spears was testifying, and he was unable  
21 to lay a foundation for this document. So that  
22 may be a flaw that can be cured at this time.

1 JUDGE MORAN: Okay. And that's because  
2 he had no basis to testify about the document?

3 MS. SMITH: Yeah. That's what I recall.

4 JUDGE MORAN: So -- so you're suggesting  
5 out of generosity on the part of the Secretary of  
6 Labor that -- that you consent to REE being  
7 admitted?

8 MS. SMITH: No, your Honor. We have  
9 objections as to it. I just wanted to make it  
10 clear why you did not admit the --

11 JUDGE MORAN: I forgot on this  
12 particular, why I didn't.

13 MS. SMITH: I wanted to make it clear  
14 why you did not allow it to be admitted at that  
15 time. We do have objections as to this exhibit.

16 JUDGE MORAN: But didn't you say it  
17 could be -- objections could be cured?

18 MS. SMITH: The foundational issues, the  
19 reason why it wasn't admitted when it was first  
20 offered I think could be cured if -- if we wanted  
21 to relax the rules a little and allow the  
22 foundation to be laid at this time.

1 JUDGE MORAN: Sure. Well, that would  
2 mean that Mr. Tidaback would testify further; is  
3 that right?

4 MS. SMITH: I agree with that. It's not  
5 procedurally correct at this time. But if we are  
6 trying to, you know, in fairness and help things  
7 along, he may not have understood the procedure at  
8 the time he was testifying.

9 JUDGE MORAN: So that's what we're going  
10 to do. No one can accuse me of being unfair in  
11 this proceeding to the respondent, it would seem  
12 to me, by my decision about this.

13 So do you have REE in front of you, Mr.  
14 Tidaback?

15 MR. TIDABACK: Yes, your Honor.

16 JUDGE MORAN: Okay. Do you know what --  
17 And do you understand you're still under oath?

18 MR. TIDABACK: Yes, your Honor.

19 JUDGE MORAN: All right. Can you  
20 identify what REE is?

21 MR. TIDABACK: Yes, your Honor, a  
22 discussion regarding the withdrawal order and

1 miners' pay.

2 JUDGE MORAN: Okay. And the discussion  
3 is -- Identify who is in the discussion, please.

4 MR. TIDABACK: At the very top of the  
5 page, the unknown user, I have to assume that it  
6 is Jesse Malessy, as he would be the safety  
7 person. But when the printed document or -- the  
8 document was printed, he wasn't in our system. So  
9 it showed --

10 JUDGE MORAN: But you're not sure. You  
11 can't -- Because it's a deficiency in the system,  
12 you have to believe that it was some unknown user  
13 making the comment which is in the gray area?

14 MR. TIDABACK: Not necessarily unknown  
15 user because Jesse Malessy's employment as a  
16 safety person was during that time and in the  
17 safety group.

18 JUDGE MORAN: Okay. But it's still --  
19 It's still a deduction on your part that this is  
20 Jesse Malessy who's speaking in the gray portion?

21 MR. TIDABACK: Yes, your Honor.

22 JUDGE MORAN: Okay. And, again, the

1 purpose of the exhibit you say was to deal with  
2 the issue of payment to miners after the mine was  
3 shut down; is that right?

4 MR. TIDABACK: That is correct, your  
5 Honor.

6 JUDGE MORAN: Was there any other  
7 purpose behind this exchange in REE? Was it  
8 solely directed to that issue?

9 MR. TIDABACK: Yes. Yes, your Honor.

10 JUDGE MORAN: Do you have an objection  
11 to this?

12 MS. SMITH: We do object as to a lack of  
13 foundation. He doesn't know who the individual  
14 was that was initiating this conversation. And  
15 then also as to relevance, it's not related to Mr.  
16 Baumann's discrimination complaint or the reasons  
17 for his termination or protected activity.

18 JUDGE MORAN: Yes, and the second point  
19 is well-taken in terms of relevance. But, you  
20 know, I do have discretion on these matters. I'm  
21 admitting RE -- REE, but the admission of an  
22 exhibit is different from weight given to an

1 exhibit. And weight simply means, "How much do I  
2 pay attention to a particular exhibit?" And so I  
3 want you to be aware of that. I may decide even  
4 on the basis of being irrelevant to the proceeding  
5 that I -- maybe I'll drop a footnote and say,  
6 "Recognize this exhibit was there. It bears no --  
7 has no bearing on this matter. And, therefore,  
8 the Court will not make any further comment about  
9 this exhibit. It does not advance the  
10 respondent's defense." Don't -- That's not  
11 verbatim. That's off the top of my head as to  
12 what I might say in dealing with that.

13 MR. TIDABACK: Yes, sir.

14 (Respondent's Exhibit R-EE was  
15 marked for identification and  
16 received in evidence.)

17 JUDGE MORAN: I also want to caution  
18 people that with so many exhibits here, I -- I --  
19 typically, in a case such as this, I don't mean  
20 discrimination matters, I will say in my decision,  
21 which is true, that I consider all exhibits that  
22 were admitted, okay. And even though I may not



1 discuss every exhibit or every argument made in a  
2 post-hearing brief, that doesn't mean that I  
3 brushed it off. It just means that some things in  
4 my view do not warrant discussion in my final  
5 decision, and so that's -- that's why I put that  
6 in there. It's not that something is being  
7 overlooked, just not worthy of discussion.

8 MR. TIDABACK: Can I explain my reasons  
9 why I'm asking for these?

10 JUDGE MORAN: No. I think I've given  
11 you more than enough rope.

12 MR. TIDABACK: Okay. Yes, your Honor.

13 JUDGE MORAN: Are there any other  
14 exhibits?

15 MR. TIDABACK: There are, your Honor.

16 JUDGE MORAN: None?

17 MR. TIDABACK: No. There are, your  
18 Honor. RBB.

19 JUDGE MORAN: Oh. How many more do you  
20 have?

21 MR. TIDABACK: None, and they may be  
22 duplicates. That's what I'm trying to -- I don't

1 know if it is. Right.

2 JUDGE MORAN: Okay. Let's go through  
3 them. Go ahead. The next one is what?

4 MR. TIDABACK: RBB.

5 JUDGE MORAN: Double B?

6 MR. TIDABACK: Yes, your Honor, RBB.

7 JUDGE MORAN: Okay. RBB, I think it was  
8 not admitted.

9 MS. SMITH: That's correct, your Honor.  
10 It has not been offered to be admitted.

11 JUDGE MORAN: Yeah, and I'm not going to  
12 allow RBB into the record. It's -- You had an  
13 opportunity to introduce each of your exhibits,  
14 and that opportunity has passed. And I've already  
15 given you some leeway about other deficiencies in  
16 some of these exhibits that we're talking about in  
17 the last half an hour.

18 And these are assertions, and they would  
19 have to be subject to cross-examination. I'm not  
20 sure. In fact, I have doubts about the relevance  
21 of this to the matters that are in front of me in  
22 this proceeding, so that's my ruling. RBB is a

1 no.

2 MR. TIDABACK: Yes, your Honor.

3 JUDGE MORAN: Next.

4 MR. TIDABACK: RAA.

5 JUDGE MORAN: Okay. RAA. What's the  
6 deal on RAA? Does the Secretary --

7 MR. TIDABACK: Sorry, your Honor,  
8 excluding RAA. That was a misprint on mine.

9 JUDGE MORAN: No RAA?

10 MR. TIDABACK: Right.

11 JUDGE MORAN: You don't have any issue  
12 about that?

13 MR. TIDABACK: No, your Honor.

14 JUDGE MORAN: Okay. What's next?

15 MS. TIDABACK: RR --

16 (Discussion off the record.)

17 MR. TIDABACK: Yes. It's clarification  
18 that they have it already, RR which is the Kansas  
19 unemployment form.

20 JUDGE MORAN: R what?

21 MR. TIDABACK: Sorry. R.

22 JUDGE MORAN: Okay. One R --

1 MR. TIDABACK: Yes.

2 JUDGE MORAN: -- after the -- after the  
3 initial R. Okay. Hold on a second here.

4 MR. TIDABACK: Sorry.

5 JUDGE MORAN: I hope you two appreciate  
6 that I could have said "no" to all of this stuff,  
7 okay?

8 MR. TIDABACK: I appreciate yours and  
9 the Secretary's assistance. I do.

10 JUDGE MORAN: So now we have RR in front  
11 of us, and this was mentioned in some context. I  
12 can't remember now the details, but it's -- You  
13 have RR. Was RR admitted by the Secretary in some  
14 form?

15 MS. SMITH: No. This document has not  
16 been admitted into evidence.

17 JUDGE MORAN: Okay. And this deals with  
18 the issue of the individual filing a claim for  
19 unemployment insurance benefits, and I remember  
20 Mr. Baumann's testimony about this issue, and  
21 that's going to stand in -- in place of this, that  
22 RR will not be admitted.

1 MR. TIDABACK: Yeah. The only -- The  
2 only question you had on that, your Honor, was  
3 about the date. You asked me what RB --

4 JUDGE MORAN: I know, but Mr. Baumann  
5 testified about that, and RR is not in. Next.

6 MR. TIDABACK: RI.

7 JUDGE MORAN: Okay. RI is titled  
8 Production Lead Duties.

9 MR. TIDABACK: Yes, your Honor.

10 JUDGE MORAN: I take it this -- I take  
11 it this was not admitted into the record?

12 MS. SMITH: Correct. This is not  
13 admitted.

14 JUDGE MORAN: Okay. I am not allowing  
15 this exhibit into the record because you had an  
16 ample opportunity to introduce this either through  
17 Mr. Spears or through yourself, Mr. Tidaback. So  
18 -- And then, therefore, it's not -- then it's  
19 subject to cross-examination about it. Can't  
20 admit it. RII (sic) is a no.

21 MR. TIDABACK: RG.

22 MS. SMITH: Oh, sorry, your Honor. Just

1 for the record, I think you said "RII," and this  
2 is Exhibit RI.

3 JUDGE MORAN: Yes. I meant to say, if I  
4 didn't do that correctly, RI, one I, in other  
5 words, like the state of Rhode Island. All right.  
6 RI is not admitted. Thank you. What's next?

7 MR. TIDABACK: RG.

8 JUDGE MORAN: RG. All right. Tell me  
9 about RG, Secretary of Labor.

10 MS. SMITH: Sorry, your Honor. RG had  
11 not been admitted.

12 JUDGE MORAN: All right. I'm looking  
13 over RG, a rather lengthy exhibit, and the  
14 respondent having had adequate opportunity and  
15 ample time to attempt to introduce this exhibit  
16 either through Mr. Spears or Mr. Tidaback, RG is  
17 not admitted into the record, RG, one G, no double  
18 Gs.

19 MR. TIDABACK: I think the confusion  
20 lies is when I was standing here asking questions  
21 rather than asking the -- the time to ask for  
22 submission of exhibits I believe is the fault,

1 your Honor, not -- I'm not trying to waste the  
2 Court's time.

3 JUDGE MORAN: No. I know that. I don't  
4 take it that you're trying to waste the Court's  
5 time, but RG is not in the record.

6 MS. SMITH: And just -- just for  
7 clarification, RG and RH, RH has been admitted.  
8 And I think merely if not all of G is inside of H.  
9 So those exhibits are if not completely  
10 duplicative very, very close.

11 JUDGE MORAN: So you're saying RH is in  
12 the record?

13 MS. SMITH: Yes. Yes, your Honor.

14 JUDGE MORAN: And you're not warranting  
15 that they're identical?

16 MS. SMITH: Correct. I can't tell right  
17 now that they're exact. I know there are some  
18 differences, but I think all of G is inside of H,  
19 and H has been admitted.

20 JUDGE MORAN: Without 100 percent  
21 certainty about that representation, it's a  
22 multipage exhibit. It takes some time to compare

1 it line by line, page by page. Okay.

2 So what I said stands with the comment  
3 of Attorney Smith recognized, RG not admitted, and  
4 her comments about RH are noted on the record.  
5 Court Reporter, are you getting all of this?

6 THE VIDEOGRAPHER: Thumbs up.

7 JUDGE MORAN: Is that it?

8 MR. TIDABACK: RF.

9 JUDGE MORAN: Oh.

10 MR. TIDABACK: Just a few more.

11 JUDGE MORAN: Okay. RF. RF -- Was RF  
12 admitted into the record?

13 MS. SMITH: No, it was not.

14 JUDGE MORAN: Okay. RF is not admitted  
15 for the reasons I've articulated earlier. No RF  
16 in the -- is admitted.

17 MR. TIDABACK: RE, your Honor.

18 JUDGE MORAN: RE, not in the record?

19 MS. SMITH: Correct, not in the record.

20 JUDGE MORAN: Same reasoning as I've  
21 explained, RE, as in Edward, not admitted.

22 MR. TIDABACK: RC is the last one, your



1 Honor.

2 JUDGE MORAN: All right.

3 MR. TIDABACK: The reason I'm saying RC  
4 is -- it is the expanded version sideways rather  
5 than the exhibit Secretary has which is just the  
6 formatting of it. It's real hard to see it.  
7 That's why I think it's sideways.

8 MS. SMITH: Yeah. And, your Honor,  
9 Respondent's Exhibit C is not exactly identical to  
10 our Exhibit, I think, P14. There are different  
11 dates in those two exhibits.

12 MS. O'REILLY: We have more dates,  
13 right?

14 MS. SMITH: Yeah. Exhibit P14 contains  
15 more dates than what's reflected in Respondent's  
16 Exhibit RC.

17 JUDGE MORAN: And --

18 MR. TIDABACK: Then I'm okay. If it's  
19 got the same information, I'm okay. I know that  
20 it's easier to read.

21 JUDGE MORAN: You've indicated, Attorney  
22 Smith, that -- What was the other exhibit number?

1 Not RC, but the other one was what?

2 MS. SMITH: P14.

3 JUDGE MORAN: P14. It includes --  
4 You're representing it includes everything in RC  
5 and more?

6 MS. SMITH: Well, I'll say it. There  
7 are more dates in P14. Mr. Tidaback said the  
8 formatting's a little bit different. I don't know  
9 for sure that all of the same information is on  
10 there.

11 JUDGE MORAN: Okay.

12 MS. SMITH: And our Exhibit P14, your  
13 Honor, we did receive that from Mr. Tidaback  
14 during discovery. So it did come from him in  
15 discovery, P14.

16 MR. TIDABACK: Yes.

17 JUDGE MORAN: P14 came from the  
18 respondent?

19 MS. SMITH: Yes, during discovery, and  
20 it has been admitted. It's admitted.

21 MR. TIDABACK: So we don't need RC, your  
22 Honor.

1 JUDGE MORAN: Okay. You're withdrawing  
2 your request for RC?

3 MR. TIDABACK: Yes, your Honor, if it's  
4 in the paperwork. That is all, your Honor. Thank  
5 you for your time.

6 JUDGE MORAN: Okay. So anything else  
7 before I announce that the hearing has come to a  
8 close?

9 MS. SMITH: Nothing from the Secretary  
10 of Labor.

11 JUDGE MORAN: Thank you. Anything from  
12 the respondent?

13 MR. TIDABACK: No, your Honor.

14 JUDGE MORAN: Okay. Let me just wrap up  
15 with a couple of things here. It will be some  
16 time, but not an inordinate amount of time, before  
17 I issue a decision in this matter. You can  
18 imagine with the three days of testimony or nearly  
19 three, it'll take me a long time, and then I'll  
20 have to review the respondent's briefs.

21 What I'd like to do is have a conference  
22 call next week. And at that time, we'll establish

1 dates for -- the way this works, my -- to the  
2 Tidabacks here, addressing both of you, is that we  
3 set a time frame after receipt of the transcript  
4 for the initial briefs. Those have to be  
5 submitted simultaneously. There's no business  
6 where the Secretary submits it and then a week  
7 later the respondent submits it having read --  
8 They go out at the same time, the initial briefs,  
9 all right, and then whatever date we select for  
10 those to be submitted. All right. And it has to  
11 be through a tracking method so I can verify that  
12 -- that people complied and submitted the exhibits  
13 on or before the date that they're due, okay.  
14 Typically, it's the same day.

15           Then two weeks after that typically,  
16 reply briefs are in, and the reply briefs are  
17 limited. Reply briefs are not be to a  
18 regurgitation of what was said in the initial  
19 brief. Rather, the reply briefs challenge remarks  
20 made on each side's initial briefs. All right.

21           So, in other words, you're going to read  
22 -- in the case of the Tidabacks, you'll read the

1 Secretary's brief. And not saying there will be,  
2 but typically, there will be issues that you will  
3 raise or you say something such as, "Secretary  
4 omitted this or didn't characterize this  
5 correctly, and we point to pages in the exhibits  
6 or to testimony to show our side of this." In  
7 other words, put it more simply, each side is  
8 representing flaws, either factual or legal flaws,  
9 in their briefs, all right? All right. So that's  
10 -- That's one comment I wanted to make.

11           The second comment is that, and this is  
12 without deciding the case, I want everyone to pay  
13 attention to this. I have not decided this case,  
14 but there's nothing prohibiting the parties from  
15 settling this matter even now, I mean, even in the  
16 next week, for example. The parties can reach a  
17 settlement, and I can't get involved in that and  
18 would not get involved in that. But I can observe  
19 that based on my experience, if a case is  
20 demonstrated and the Secretary of Labor has  
21 confidence in their testimony and in the exhibits,  
22 there still can be room for an accommodation

1 having accepted that, and that area would be in  
2 the realm of the penalties that the Secretary is  
3 seeking.

4 In other words, this is hypothetically  
5 presented, and I'm not elbowing or pushing or  
6 nudging anyone to do this. But, for instance, in  
7 terms of a settlement, it is -- a possible  
8 scenario is Secretary agrees to reduce the  
9 penalties sought by X number of dollars for Count  
10 One and X number of dollars for Count Two, and  
11 that's the basis of the parties reaching a  
12 settlement. So that's something --

13 I didn't want you Tidaback folks to walk  
14 out of here thinking that that's not still an  
15 option. It is up until the time that I issue a  
16 decision. Then it's too late. So if the parties  
17 are inclined to want to work it out, and I've  
18 suggested how based on my past experience such  
19 matters can be worked out, but I'm not suggesting  
20 that in doing that that one party might say, "Oh,  
21 and there was no discrimination." I'm not  
22 suggesting that at all. I gave you the avenue

1 where parties could potentially at least reach a  
2 settlement, and that would be in the area of the  
3 penalties the Secretary is seeking.

4           They have the discretion to decide to  
5 lessen a penalty if the -- if the other side  
6 presents some reasons that they feel is justifying  
7 a reduced penalty on one or both of the accounts,  
8 okay.

9           Then my third and last point is let's  
10 assume that there is no settlement, which, again,  
11 I'm not suggesting there will be or should be, all  
12 right, totally neutral on that, and I issue a  
13 decision. The second phase of the decision would  
14 be -- and this would have to be in short order, is  
15 for my to assess damages, that is, Mr. Baumann's  
16 damages. And I could be wrong, but my impression  
17 on the testimony of that is that there needs to be  
18 more substantial information provided as to the  
19 damages that Mr. Baumann incurred as a result of  
20 being terminated, all right. And so that would  
21 require some documentation or an affidavit, but I  
22 can't just -- a figure can't be plucked off. "Oh,

1 I think I lost \$200 because I had gas or something  
2 driving from one point to another or workman's  
3 compensation, unemployment, whatever, unemployment  
4 compensation." It's got to be a little bit harder  
5 than that because I'm not going to do this. I  
6 don't do this. I can't go about making findings  
7 of fact as to what the damages were without  
8 documentation that I can rely upon for reaching  
9 it.

10 The Secretary has sometimes wanted to  
11 put that on me, and I've always pushed back and  
12 said, "I can't decide that. I need documents,"  
13 just as we needed documents for the exhibits here.  
14 So you understand that, Secretary of Labor, if we  
15 get to phase two? And that would be something --  
16 You could submit that in advance, and then you  
17 would share that documentation if I get to that  
18 point if I find, yes, Secretary established  
19 protected activity and interference, either or  
20 both. Then I move to the second part if there's  
21 no settlement which is what are the damages and --  
22 and other proscriptions which I would put in my



1 Order if I find that. Everybody understand that?

2 MS. SMITH: Yes, your Honor.

3 JUDGE MORAN: Okay. Okay. So we'll  
4 have a conference call sometime next week. I'll  
5 have my law clerk, Jose Natera, contact you.  
6 We'll arrange a time that's convenient for all of  
7 us. We'll establish dates for the post-hearing  
8 briefs, and the Secretary will advise me about  
9 this question of damages, what they intend to do  
10 about that.

11 All right. I want to thank you all for  
12 your courtesy and professionalism. It's been  
13 enjoyable to have a hearing, and I wish you all  
14 well. This hearing will now come to a close.

15 MS. SMITH: Thank you.

16 MR. TIDABACK: Thank you, your Honor.

17 (Whereupon, at 2:29 p.m., the  
18 HEARING was adjourned.)

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UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
v.	)	Docket No. CENT 2023-0251-DM
MOSENECAMANUFACTURER LIMITED)	)	
LIABILITY COMPANY d/b/a AMERICAN)	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
Respondent.	)	Mine Id No. 23-00504

**ACTING SECRETARY’S SUBMISSION OF ADMITTED EXHIBITS**

Pursuant to the Court’s orders during the post-hearing conference call held on March 7, 2024, the Acting Secretary of Labor, U.S. Department of Labor (the “Acting Secretary”) submits the exhibits admitted during the hearing in this matter. A hearing on this matter was held on February 27, 2024 through February 29, 2024 in Joplin, Missouri. The transcript of these proceedings was forwarded to the Acting Secretary on March 19, 2024.

After a review of the transcript the following exhibits were admitted:

For the Acting Secretary: P-1, P-2, P-4, P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14, P-16, P-17, P-19, P-20, P-21, P-22, P-23, P-25, P-26 (pages 2, 3, 4, 5, 6, and 9), P-27, P-28, P-29, P-31, P-32, P-34, P-35, P-38, P-39, P-40, P-41, P-42, P-43, P-44, and P-45.

For the Respondent: R.A, R.B, R.H, R.X, R.Y, R.Z, R.DD, R.EE, R.FF, R.GG, R.II, and R.JJ.

In addition to this electronic submission, a copy of the admitted exhibits will also be mailed to the Court and Respondent using the mailing addresses previously provided.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that a correct copy of the foregoing was electronically submitted to the Federal Mine Safety and Health Review Commission on March 22, 2024, and was simultaneously via electronic mail to the following party:

Russell Tidaback  
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/s/ Laura M. O'Reilly

April 17,

4/17 10:51 AM

Changes made. Hopefully you like them.

Jim Hoover 4/17 12:36 PM



What you mean

4/17 12:53 PM

We are making a change... or have made a change.

Unfortunately, we had to let Rob go today. The data shows he wasn't meeting the daily quotas, or responding to John's suggestions and advice.

So... we are going to change how we operate.

When we get back to producing... probably Wednesday... We will have you run the control room.

YOU HAVE TO UNDERSTAND, the daily quota, per the production schedule is 42k lbs per day.

Some days it's 40k, some days 42k...

We cannot keep pushing production days back, and back, and back...

You won't have to do the computer work...

this will be for the Production Assistant...

The production assistant will be responsible for the administrative computer work. You will need to inform this person on how what was produced, how many bags produced, weights, etc. But this can be communicated via Teams.

or in person

each day

Jim Hoover 4/17 1:10 PM



Wait what are we talking about brother..

Jim Hoover 4/17 1:26 PM



So I'm guessing we are going to come to some sort of negotiation because from a year ago or even from June 15 two years ago I have learned more than you can imagine and worked with John on several projects and I know the mill office and I take maintenance to what needs fixed every time I know the flow of the product and will and can do anything in the mill that you ask and have so I want the mill running like it was a year ago and I know I can get those numbers without a doubt when John and I and RJ was running and I had John sit in the mill and had 20 pallets at lunch, it has been held back so we will need to talk before then, I am very confident and what can be produced at this mill.

4/17 2:01 PM

Jim, you kill me sometimes with these conversations... I have to assume you are referencing a pay increase.

A promotion in pay should be when you have proven yourself in a certain position.

We gave you a promotion last time to do certain things... and you didn't do so well at all of the expected tasks.

Then we had to hire Rob. We didn't want to take pay away from you so we left you at the \$20 /hr.

Now, we are making changes to accommodate or address your shortcomings with leadership of people, organization, and lack of computer skills.

You won't be managing people. You won't be responsible for using the computer. You will only be responsible for daily production of product, per the production schedule.

I'm not saying that you cannot get a pay increase BUT we need you to be successful in this newly assigned position for you to earn a pay increase.

Let's give yourself 12 months in this position, successfully meeting the production calendar quotas, getting product successfully out the door, working with John and the rest of the team, again successfully... THEN we can talk about a pay increase.

Jim Hoover 4/17 5:58 PM



So this 12 months again with the mill production like the last time around it wasn't the problem me running the mill that was the problem brother and you know that and so do I also you didn't fill your side of the deal within 90 days like you said. I let that go because I knew you wouldn't hold up your side of the deal. I always bend over backwards to you and Jordan to help you guys and I. The very first meeting you told us we wouldn't go backwards and that is all that has happen except the boots you have done that for us better but I just bought a different pair because the ones I got from red wings suck. you said we wouldn't go backwards and my pay has my insurance has nothing has went up my pay should of never went down period you have hired maintenance people after maintenance and then they watch me do there job and they are making more than I am for some reason I shouldn't be making less than what I was 2 years ago now for sure I have learned 10 times what I knew 2 years ago when you bought this company and what have I got for this like you said more I learn the better pay comes with learning I got the little mac air problem.fixed back to where it was after 8 maintenance guys look at it and still didn't fix it I run and go right to the problem.everytime boss and do everything that you would expect me to do it as loyal to you guys as they come but damn, I know you don't have money coming in I understand that and you have a scroll not paid for but I go in and give my all to keep hour business going. you taking me out of control room and putting rob in there caused more problems than you realize and I'm sure there will be more to come from that with him. he wasn't going to push to get a high count for you and push the fuck to get caught up there were days he didn't have shit running until I saw something then I would go fix it and then go tell him.

Jim Hoover 4/17 6:06 PM



I have done the mill for a year and I can run it great no questions ask so I think the negotiation that you have just told me isn't correct at all considering the things I do for you and Jordan. im not mad or pissed boss but I do things you don't even know about to keep this place going because one I love my job and two I want this place to be here a whole long ass time after im done and gone you need Saturdays im there you need Sundays I would be there you known will do whatever it takes to get us caught up...

Jim Hoover 4/17 6:12 PM



I'm not arguing with you but we are going to talk about this brother because this isn't a one sided conversation and there why you and I talk and why we are a great team.. I'm not mad or pissed boss but you just assume the worst out of me u guess when we talk.. Rob fucked you over so many times but if I would of told you that you wouldn't of listen to me would you the next one to go needs to be Ronald he calls msha every freaking day and it's bullshit

Worthless

Jim Hoover 4/17 6:19 PM



Anyway I will let you be boss im.sure you are busy. but we need to discuss what you want from me since you just put someone else in there that shouldn't of been there in first place and never lifted a finger to go and find the problem or the solution to fix it.. Anyway I will let you go and we can talk later I have worked with John 7 months and everytime I have ran this mill when rob was gone I got better numbers and know the numbers you want are reachable that is if equipment holds up which I think will just need to get the motor and that would help ten fold



Talk to you later brother





4/17 6:59 PM

Yep, now out of all that. Prove yourself, and let's get things done.

April 19

Jim Hoover 4/19 8:48 PM



This is some shit boss



4/19 8:49 PM

Yes it is!

I am trying my best to get you guys back to work brother.

Jim Hoover 4/19 8:50 PM



If I would of told you this shit was going to happen would you of believed me

4/19 8:50 PM

no, because this should have never happened

what you guys don't see is that we requested an extension..

to resolve these issues when the citation was given to us.

we requested this the day of the citation

Jim Hoover 4/19 8:51 PM



I'm talking as this whole bullshit mega

Msha

Someone that was making it worse

Is what im talking about

4/19 8:52 PM

as we knew it was going to take longer than a week to complete...

what? I don't know what you are referring to.

Jim Hoover 4/19 8:52 PM



Fuelling the fire

4/19 8:52 PM

?

Jim Hoover 4/19 8:54 PM



Not getting numbers... locking main down instead of just locking tube mill out. you lock it down. we don't run didn't have to lock mains down

Locking mains

4/19 8:54 PM

Are you referring to Rob?

Jim Hoover 4/19 8:54 PM



Yes

4/19 8:55 PM

yea I don't understand that who thing either...

to me, that was dumb on both Rob and the inspector...

there is a whole big case building on on this...

I've already got Senators involved and the heats coming...

they are fucking with your guys livelihood and that is wrong!

this is fucked up

I am fighting every single citation given...

I am doing everything I possibly can to get you guys back to work and us producing...

Jim Hoover 4/19 8:58 PM



Boss I was trying to tell you straight up months ago but you wouldn't of believed me but out of everyone there you should know my loyalty by now

4/19 8:59 PM

I've never questioned your loyalty Jim.



Jim Hoover 4/19 9:02 PM



That is bullshit and you tell me how Rob test came back the worst and full of shit you know and I know that was done on purpose and he didn't ever get dirty

4/19 9:03 PM

I don't know what was up with Rob. Why was he disgruntled?

Jim Hoover 4/19 9:03 PM



I don't talk to him really msha guy



4/19 9:03 PM

I don't get it...

I talked to Rob repeatedly about having the doors and windows open and the exhaust fans on...

I don't understand why he just didn't do as he was told...

John and I had been discussing him and counseling him for months now...

Jim Hoover 4/19 9:06 PM



I will tell you this I have went around behind and have had to turn on green dust collector green air compressor he doesn't turn on in order and that is how shit has got tore up and im being dead serious

That's was a lot of the problem

4/19 9:06 PM

then we had a guy who was suppose to replace him... he was supposed to start Monday and the fucker didn't show up for the training or call or respond to calls... nothing.

I knew Rob was lacking... but didn't know it was that bad.

I don't like letting people go but at some point... you just gotta cut the cord

this is why I think the best thing to do is ha e you in the control room... possibly the 6am-230pm shift like we talked before...

Jim Hoover 4/19 9:08 PM



You can't start the flour elevator first thing man he was doing that I said Rob it's going over the screens and screens aren't moving yet he said he was doing it that way I said well your going to fuck it up

4/19 9:09 PM

have a shift lead do all the shipment QC, time keeping, computer work etc...

good point about the flour elevator

that might be why the screens deteriorated so fast...

holding the weight of the cold material...

Jim Hoover 4/19 9:11 PM



There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take one hour and thirty minutes to clean out it takes 20 minutes period (FACT) .

That is correct

I would go up there and blow of that shit to get what we got

4/19 9:12 PM

Jim Hoover 4/19/2023, 9:11 PM

There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take...

Yep, I agree. I believe Rob was just being lazy

We will fix this...

I believe we learn from each new person we go through there...

Jim Hoover 4/19 9:13 PM



I was fighting a battle that shouldn't of been there you know

4/19 9:13 PM

Jim Hoover 4/19/2023, 9:13 PM

I was fighting a battle that shouldn't of been there you know

I know now...

we are going to try things different now...

Jim Hoover 4/19 9:13 PM



That's why I would take off running to top floor and unclog shit



Number one priority shit has to be hot

4/19 9:14 PM

to get better you have to make mistakes and learn from them.

Jim Hoover 4/19/2023, 9:14 PM

Number one priority shit has to be hot

exactly

Jim Hoover 4/19 9:15 PM



I told him a thousand times rob it has got to be hot if that yellow pipe is not hot you will have problems he didn't understand hot



I took Jeremy over to pipe said put hand on this you want to know the secret about Tripoli this is it, he said fuck that is hot as fuck I said that's the secret lol

Jim Hoover 4/19 9:18 PM



That's the difference between rob and me he didn't understand the material or the flow of the product or what breaker fixed what and so on you know you got to know that to run the mill.

4/19 9:19 PM

I don't think he was taking the time to learn it either...

Jim Hoover 4/19 9:19 PM



Once it gets hot you back down to where the percent can be as low as 60% and still hold best

4/19 9:19 PM

I think he had the best intentions at first but something fell apart. What? I don't know.

Jim Hoover 4/19 10:11 PM



I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact it is doable

4/19 10:12 PM

I too believe that we will start doing really well once we get past this MSHA BS. This shit has been going on with them since January...

Jim Hoover 4/19/2023, 10:11 PM

I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact i...

That was the deciding factor for John and I to terminate Rob.

Jim Hoover 4/19 10:12 PM



Yes it's costing me money and I don't like that

4/19 10:13 PM

Yes, it is! It really is...

Jim Hoover 4/19 10:14 PM



Oh shit my bad doesn't mean for him to look bad I just ran it like I do there is no other way to run it accept full throttle

I didnt mean to make him look bad I mean

4/19 10:14 PM

Nope... John and I were discussing Robs issues a long time ago... we just didnt know how to approach it.

You just put the icing on the cake.

Jim Hoover 4/19 10:15 PM



Oh shit

4/19 10:15 PM

It had nothing to do with you.

We knew there needed to be change but wanted to give the guy an opportunity to fix the issues we were seeing.

He didnt make improvement and... got terminated.

Jim Hoover 4/19 10:16 PM



I mean I had to tell him to put rock in to charge tube mill it was below 50 I said damn man we got to charge this

4/19 10:16 PM

yep, thats why he is no longer with us.

Tomorrow is a new day

Jim Hoover 4/19 10:17 PM



Yes sir

Jim Hoover 5/7 1:43 PM



Pat is going thru some shit not good but we had a talk Saturday I can't go into detail because I just can't it wouldn't be a good thing but he surprised me after the fact of what happen but long story short I will nip it in the bud



True story

Boss this Msha thing can I speak to you freely without you thinking I'm on there side because I'm not I always tell you what I hear

Those other guys think I'm a company man , if you want to call me that for doing what I do then I guess I am but I know that you ask of me to get a certain number and I know how to do that and she happens and I'm pushing them to get there ass in gear and I'm going out there and packing bagging and hand stacking and fork trucking pallets because I know if I don't go out and do that it will over flow that's how I run it I don't shut it off tell it can't handle no more you know but the shit is hot and I can't touch the yellow pipe you know

5/7 1:57 PM

Its not necessarily a MSHA thing or a "company man" thing...

hear me out...

Do you remember me talking with you a long time ago about Robs general negative attitude about everything?

Jim Hoover 5/7 1:58 PM



I didn't read the book on it rob telling them something and it not being true brother

Oh I know

You didn't have to tell me I worked with him

Or around him more less

5/7 1:59 PM

Well, IMO, this attitude bled over to RJ and I do believe Carson and Terry... then Patrick and probably Gage too

John and I both spoke to Rob about it many times...

Jim Hoover 5/7 2:00 PM



I had to go behind and fix shit

5/7 2:00 PM

he wanted to blame you guys all the time about not being able to get things done

stupid things like... cleaning the bathroom.

He lacked leadership skills



Jim Hoover 5/7 2:01 PM



I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer

I agree

5/7 2:01 PM

I told him he needed to get use to reading online books

he told me he didnt like reading online

he was advised to take some leadership classes online..

I gave him plenty of resources to read about.... plenty of free classes

Jim Hoover 5/7 2:02 PM



Oh wow

5/7 2:02 PM

Then the whole MSHA thing in February...

Jim Hoover 5/7 2:02 PM



Oh he fucked us over on that deal sorry for cussing

5/7 2:03 PM

thats when Rob started to really buck back against what John was telling him to do

Jim Hoover 5/7/2023, 2:02 PM

Oh he fucked us over on that deal sorry for cussing

Oh I know...

again... we had to prioritize things...

Jim Hoover 5/7 2:03 PM



He was yelling at john alot screaming

5/7 2:03 PM

we were constantly looking at how to replace him

Alex was being trained to replace Rob..

then Alex quit

5/7 2:04 PM

We thought Kensley could...maybe... but she didnt work out either...

so, then we hired this last guy... what a f-ing hassle

We have requested MSHA to give us an exception to policy and let us fall under the Part 46 training requirements...

that way we would just have to provide 4 hours of initial safety training and then have the guy start working...

this way if he/she decided it wasnt for them we werent out the 3 days paid training AND the \$250 - \$400 instructor expense for EACH new hire.

MSHA is f-ing choking us out...

Rob's issues go way back- even before starting days...

Christine wanted to replace him...

Jeff didnt like him

Jessie didnt either...

Carson thought Rob was lazy

Jim Hoover 5/7 2:09 PM



Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

5/7 2:09 PM

Rob's problem was he didnt want to take the advice of anyone else and thought he knew it all...

Jim Hoover 5/7/2023, 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

Oh I know...

and now...

that he has made a friend at MSHA... Keith... Robs a fool to think Keith is his friend.

I'm just glad Rob is gone. That was a longggg time coming.

Jim Hoover 5/7 2:12 PM



Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after the third day there when he started he told my guys I didn't know anything ... and then he comes and ask me shit 2 seconds later I just blew it off

5/7 2:12 PM

August of last year, Christine was telling me we need to replace Rob.

Jim Hoover 5/7 2:13 PM



I could of told you boss but you wouldnt of believed me

5/7 2:13 PM

Jim Hoover 5/7/2023, 2:12 PM

Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after the...

yea, he was full of himself, I could see it back when we were having screen problems..

Jim Hoover 5/7/2023, 2:13 PM

I could of told you boss but you wouldnt of believed me

Its not that... its there are a lot of other pieces moving behind the scenes too

Jim Hoover 5/7 2:14 PM



I see these people come and go brother

Everyone of them

5/7 2:14 PM

See, im having to now fight MSHA because Rob thinks he was discriminated against

Jim Hoover 5/7 2:14 PM



I can tell you in the first 2 days if they will make it because of all the hear say bullshit



5/7 2:15 PM

I just dont understand why they cant just do what they are asked to do...



Jim Hoover 5/7 2:15 PM



Well probably are to lazy mother fuckers I can't stand shit like that



LoI

Do you want to know what he told me

5/7 2:16 PM

I just hope Patrick and RJ arent too infected by his BS

Jim Hoover 5/7/2023, 2:16 PM

Do you want to know what he told me

whats that?

Jim Hoover 5/7 2:17 PM



That you wanted to fire me long ass time ago then when Sara was here he told me again

That you told him this

5/7 2:17 PM

Jim Hoover 5/7/2023, 2:17 PM

That you wanted to fire me long ass time ago then when Sara was here he told me again

uh, no Rob and I were never that close..

Jim Hoover 5/7 2:17 PM



I said well it's his company to do with what he feels will help the company

I didn't lose any sleep over it brother

5/7 2:18 PM

I have only mentioned letting you go when you were having feet problem and not showing up to work as scheduled.

As ive told you before, its not personal

Jim Hoover 5/7 3:14 PM



See how the holes are rounded at some of the ends like a bigger hole



That's not good it's letting some of the small rocks get thru there but we got in there and fixed the serious problems that's for sure I told Jeremy we needed to get in there and look at that end and we found the problem it was killing the screens



On the fourth I told Rob the scrolls needed to be cut shorter he said no it will be alright I told him the product is going past the hole and covering the screens and making everything go back into return and he said how do you no that and I showed him and still blew me off

5/7 3:20 PM

he was a dick wad...

Jim Hoover 5/7 3:20 PM



It just really pissed me off that I would find the problem and he would just ignore it



I agree

Jim Hoover 5/7 3:25 PM



Also just to let you know Robs BS TALK ABOUT taking 1:30 mins to shut down and run product all out is total BS it takes 20 mins from start to finish approximately 30 at most



5/7 3:39 PM

30 mins is what we discussed before Rob... he was just lazy

Jim Hoover 5/7 4:03 PM



True

May 9

# Rob Baumann

Thursday, April 27, 2023 7:13 PM

26JUL2022 - Jeff states the shaker screen ripped because Rob didn't put bolts back in and just ran it like that. Rob told Miguel that he didn't care and that Miguel needed to get down. Rob shut things down sent everyone home early.

27JUL2022 - Christine states Rob is having the guys run straight 8 hours and bypassing the given break so they can go home earlier. I explained the break should be rotated so we can continue to produce for the 8.5 hours. The breaks are precautionary for employees dust exposure too. MO doesn't require breaks to be given. Plus they are only running bulk bags and that can be done with two people.

1AUG2022 - Christine states If Rob cannot get it done, we just need to replace him.

5AUG2022 - Jessie states there is no emphasis for the guys to help him. When he brings it to Rob, he shrugs his shoulders and walks away.

8AUG2022 - Christine wants to bring Rob to first shift as she doesn't believe Rob is doing what he is suppose to be doing without someone overseeing him. We cannot put Jim on nights due to being a single father and a young child at home.

9AUG2022 - Christine thinks we should train someone to replace Rob on the night shift.

16AUG2022 - Advised Christine to counsel Rob regarding shutting down and letting people go earlier than scheduled.

25AUG2022 - Rob needs counseling on filling out the BOL correctly. A shipper complained that he did it wrong and wasted their time.

31AUG2022 - Had discussion with Rob on the importance of inputting the daily production information in the spreadsheet. He said he would log in and get it done.

3SEP2022 - Had discussion with Rob regarding the daily production numbers and updating the spreadsheet accurately. I don't know if he is incompetent or just lazy.

28SEPT2022 - Rob not doing the CILAS reports as required for orders produced.

8OCT2022 - Jessie and Carson were waiting for Rob to get there. Rob was late getting there.

12OCT2022 - Had discussion with Rob regarding notifying and working with Carson to address the maintenance issues. Carson said Rob gets mad at everything and is hard to work with. I explained that getting angry and combative with others is not going to solve the issue any quicker.

13OCT2022 - Had to counsel Rob on following the production schedule as it is presented. He was not producing what was on the schedule. Rob said he didn't like having to check the computer or phone to do his job. I explained that the computer work was part of the role.

17OCT2022 - Had to explain Rob about the flow of the system and asked him why he wasn't reviewing the operating documents in the maintenance team files. His excuse was he didn't like to read on a computer.

26OCT2022 - Had to explain to Rob why the MAC vacuum system was spewing dust from the exhaust and that we had to shut the system down so DEQ doesn't get called. Jim states Rob doesn't know what he is doing.

2NOV2022 - John mentioned Rob showing his poor attitude again.

5NOV2022 - Had to get onto Rob about not properly keeping team shift hours correct in Shifts. He was writing them down on scratch paper and forgetting to update shifts. I don't know if he is just lazy or what. I explained that he can do this any time from the computer or his phone.

8NOV2022 - Had to inquire with Rob if he was shutting down early letting people go home early. The systems were showing shut down before the end of the shift.

1DEC2022 - While at AT had a discussion with Rob regarding his lack of attentiveness regarding ensuring the proper things were done with his team. The checklists weren't being completed. The inspections weren't being completed. The breakroom was a disaster. The fridge was disgusting. The trash wasn't taken out the day before, some of the windows were still open. The production floor was a mess. The back roll up door was off track. The bathroom was disgusting. The circuit breakers in Warehouse A was blocked by slip sheets.

16DEC2022 - Discussion regarding keeping the production team informed of what is expected to

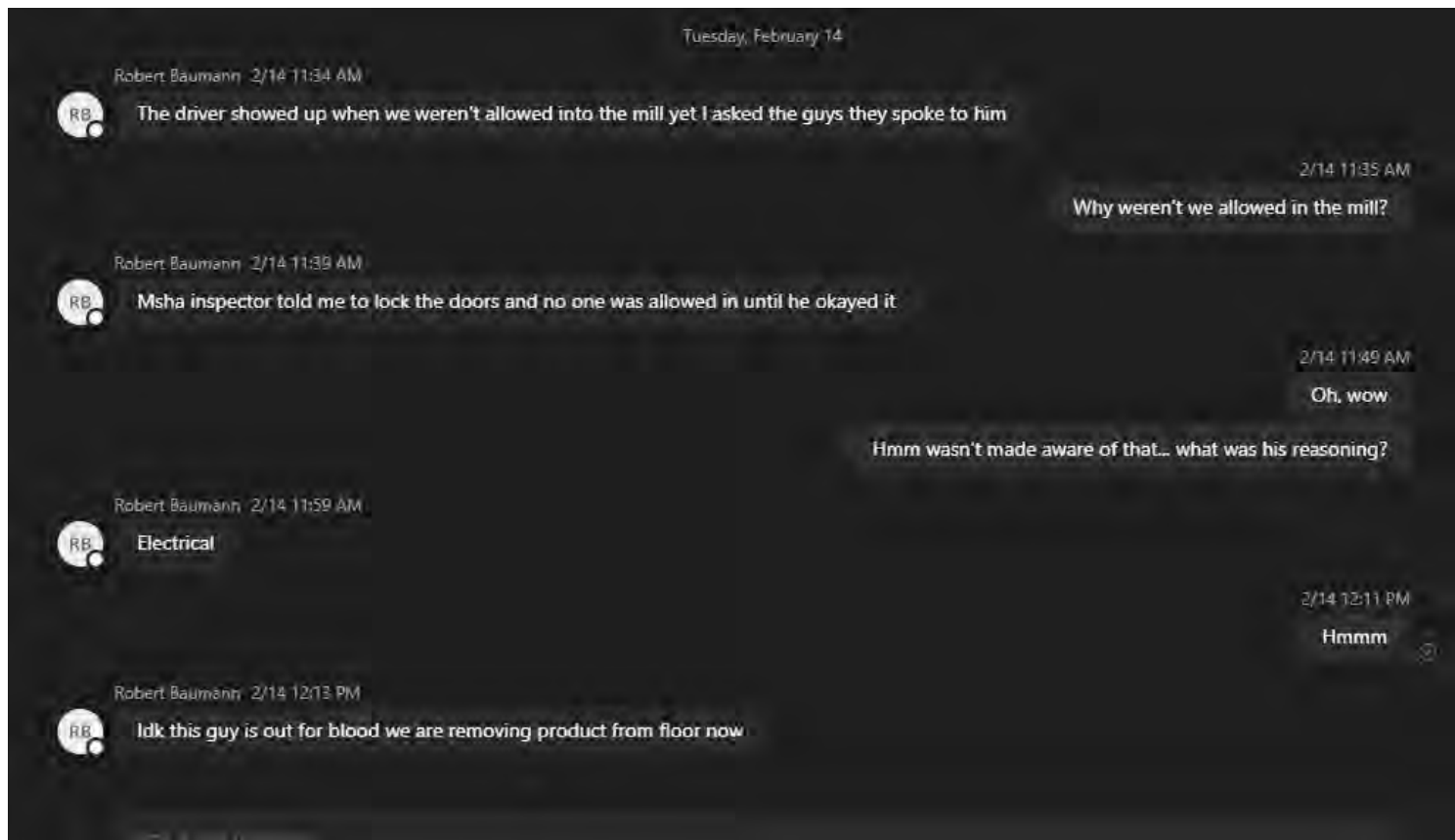
produce that day. Rob is lacking in managerial purpose for his team members.

26DEC2022 - Discussion with Rob regarding not meeting the daily production goals, team members complaining that he doesn't know what he is doing and that he just gets angry and stomps around like a child. He isn't a leader and allows his team to push him around. His response was just nodding his head. I stressed filling out the tasking board everyday and making sure the things get done. If he has problems with someone, take it to John and John will get it resolved. Jim blames Rob.

20JAN2023 - Kensley posted in the Ops chat group a pic of dust blowing out the back of the bldg. Again, had to stress to Rob that he needs to watch for any dust blowing out of the building. We can't have the Sheriff or DNR receiving complaints about us. We had to reiterate in the group that it was Rob's responsibility to be inputting in the daily production worksheet what was produced each day before he leaves for the day. This wasn't been done.

25JAN2023 - Had to get onto Rob regarding keeping the completed bag inventory up to date. John and I discussed Rob's attitude.

14FEB2023 - MSHA blocking shipments and Rob states the inspector is "out for blood".



28FEB2023 - discussed with Rob about the task board. Starting to think we need to let Rob go. His attitude is one that he doesn't care about getting things done. He jokingly mentioned he liked being paid for not working.

20MAR2022 - Alex Snodgrass hired to eventually replace Rob.

24MAR2023 - Discussion with John regarding Rob's push back on stacking the bags today. I believe Rob's attitude is infectious. We need Alex to take over for Rob and just let Rob go for performance issues.

30MAR2023 - ATMO Safety discussion with Jessie about ensuring that Rob gets the tasks done. The tasks are established, just not getting enforced by Rob.

5APR2023 - Alex informed us regarding accepting a neurology position at a hospital in Little Rock. Neurology is his degree in. John and I discussed just letting Rob go.

7APR2023 - John, Jordan and I discussed letting Rob go.

12APR2023 - Time to let Rob go. He is afraid to make the system work and can't meet the simple daily quotas. If Jim can get it done why can't Rob. Need to look at the mill structure again. Jim can run the Mill, we just need to get a manager of people to manage the team. Hopefully, Brian Edwards can do it. He

can manage the people, QC, inventory and the reporting. Jim can run the mill. Brian will need to learn how to as a back up to Jim.

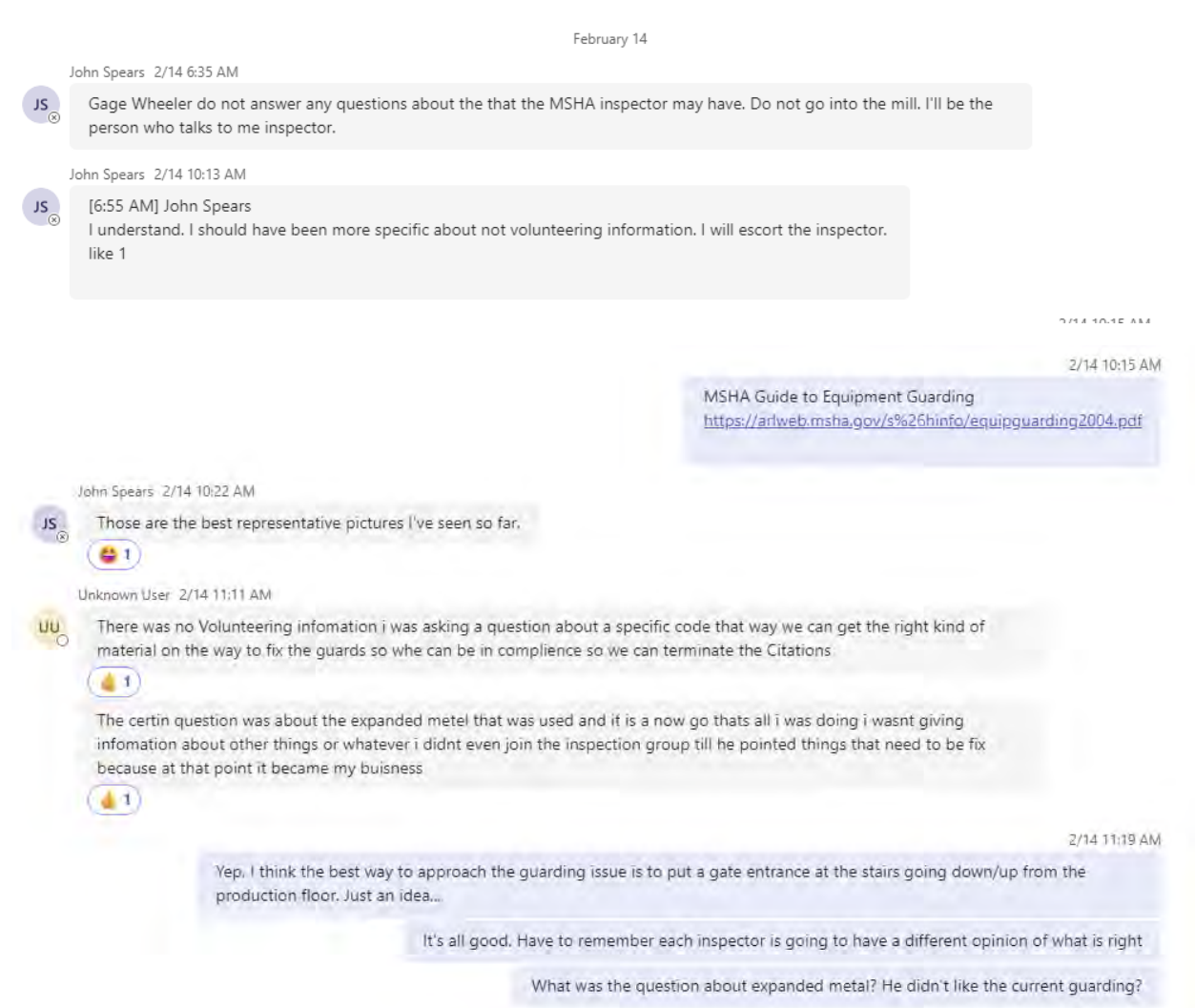
14APR2023 - Warned John about an MSHA complaint when we let Rob go. Robs termination will be based on production performance, not following guidance given by management, not ensuring the safety of the mill associated by utilizing the proper controls, etc. Send John the termination letter.

16APR2023 - Ask Keith about miner pay and withdrawl order. Robs termination letter sent to John.

17APR2023 - Keith replied about withdrawl order pay. Brian Edwards was a no show for the MSHA training.

The following is the chat between Gage Wheeler and John Spears in the Maintenance chat group.

Gage Wheeler=Unknown User





Unknown User 2/14 11:24 AM

UU

No he doesnt almost all of it is a no go Well regardless of that i wasnt volunteering infomation heres two logicly reasons why  
1. why would i create more work for myself than i have to 2. I dont have to point anything out if there is anything wrong with anything hes gonna find it and write it up without the help from anyone.



2/14 11:26 AM

Amen to That!!!

Oh well, thanks for just noddng and agreeing with the inspector. That's all we can do.

Unknown User 2/14 11:33 AM

UU

Well just make myself absoltely clear i wasnt giving up any infomation voluntarily thats wasnt directly asked of me by the msha inspector

And the only thing thats was asked that i told him was about the Ground testing documentation

2/14 11:36 AM

Yep. I didn't think you did or would.

Unknown User 2/14 11:40 AM

UU

Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

Then whats this about and when i asked about it john said he didnt want me volunteering information because of the question i asked about a certin code to keep our Business in complience with msha.

2/14 11:48 AM

Ah... makes sense.

Gage Wheeler Mike Peterson from Premier Tech is going to call you to help with the bagger.

Jordan Tidaback 2/14 11:49 AM



Hi Gage, we spoke with John about that. You are absolutely allowed to answer questions the MSHA inspector has (obviously). I think John may have meant don't just go up to him and point out everything under the sun. We've had people do that, knowing very well its an issue being worked on.

The Ops Mgr and maintenance person usually work hand in hand when the inspector is there so we can fix the simple things quickly on site before he leaves.

Hope that makes sense? I know having the inspector there makes for a tense environment, but you guys are a good team and we are all trying our best to get ahead of all the things that need fixed.

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2OCT2023

U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, MO 64108  
Attorneys for the Secretary  
Laura Oreilly  
oreilly.laura.m@dol.gov  
Elaine Smith  
smith.elaine.m@dol.gov

Dear Ms. Laura Orielly,

Responding to the interrogatories, requests for production of documents, and requests for admission on behalf of Respondent American Tripoli:

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** State the facts you contend support your claim that you did not violate Section 105(c) of the of the Mine Act, 30 U.S.C. § 815(c), by terminating Robert Baumann.

**ANSWER:** The termination of Mr. Robert Baumann was not related to his engagement in protected activities under the Mine Act, but rather due to his consistently poor performance and the necessity for an appropriate timing of a new hire to replace him.

1. **Performance Issues:** Throughout Mr. Baumann's employment at American Tripoli, there were ongoing documented performance issues that were discussed for months prior to his termination. These issues included concerns about his competence, work ethic, and ability to fulfill his role as a shift lead. The decision to terminate Mr. Baumann's employment was primarily based on his performance during his tenure at American Tripoli. Numerous personal notes and discussions over the months prior to his termination demonstrate that his job performance was consistently unsatisfactory. These records attest to his inability to perform his duties satisfactorily as a shift lead, including failing to ensure proper work was completed within his specified work group, missing deadlines, and displaying an inability to accept



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and provide feedback to his team members.

Mr. Baumann consistently demonstrated incompetence and a poor work ethic, as evidenced by the excessive number of citations received for his area of responsibility during his relatively short employment with American Tripoli.

2. **Replacements and Competency:** American Tripoli made multiple efforts to find a suitable replacement for Mr. Baumann. The hiring of Mr. David Daigle in April 2022 was part of these efforts. Unfortunately, Mr. Daigle resigned a week later. Subsequent hires in August 2022 (Mr. Will Shallenburger), November 2022 (Mr. Richard McClelland), and March 2023 (Mr. Alex Snodgrass) were also made in an attempt to replace Mr. Baumann, each candidate demonstrating greater competency and leadership skills than Mr. Baumann. It is important to note that it was Mr. Alex Snodgrass's hiring in March 2023 that seemed to signal to Mr. Baumann that his tenure was being challenged, leading to a further decline in his attitude.
3. **Proactive Safety Measures:** American Tripoli is committed to maintaining a safe and compliant work environment. We have established policies and procedures that encourage open communication and reporting of safety concerns by all employees, including Mr. Baumann. Active communication channels were in place for all miners to express their concerns regarding safety and compliance. During his tenure, Mr. Baumann and other miners were encouraged to bring forward safety issues, and the mine operator consistently took swift action to address these concerns.
4. **Absence of Official Engagement in Protected Activities:** It is imperative to emphasize that Mr. Baumann did not serve as a designated representative of miners, nor did he submit any relevant information to the MSHA District Manager or to the mine operator, as required by 30 CFR Part 40. Every miner possesses the right to engage and accompany an MSHA inspector during an inspection, as stipulated by the Miner's Act. However, it's important to clarify that mere participation in such activities does not automatically confer upon a miner the designation of a miners' representative. In his claim, he states that he served as a representative of miners in an official capacity. However, the mine operator had no prior knowledge of any such intent or stated performance. If the mine operator had been

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informed of Mr. Baumann's desire to act as a miners' representative, they would have readily provided support and assistance to facilitate their involvement. This support would have included a more comprehensive briefing on the operations, ensuring that the designated person had the necessary insights to effectively address any inquiries from an inspector. This, another example of Mr. Baumann's lack of communication and leadership skills or experience. Regrettably, the mine operator was only made aware of Mr. Baumann's claim or supposed intention to serve as a representative of miners when the complaint was received by the commission. These points clarify the timeline and the lack of awareness regarding Mr. Baumann's purported role as a representative of miners and that his termination was entirely unrelated to protected activities under the Mine Act.

5. **Inconsistent Claims:** Mr. Baumann's current assertions about unaddressed safety concerns are inconsistent with the documented history of safety communication and resolution during his tenure. It is crucial to consider the inconsistency between his current claims and the historical record of safety communication and resolution within the company.
6. **Questioning the Timing:** We urge you to consider the timing of Mr. Baumann's claims about any unresolved safety issues. The mine operator offers numerous communication channels to express or bring forward and safety concerns. If Mr. Baumann had concerns, he did not utilize any of the available opportunities. Notably, he has only made any claims such claims after his termination. This timing raises questions about his motives and the credibility of his assertions.
7. **Notice of Termination:** Mr. Baumann received his notice of termination on April 17, 2023. It is notable that, as evidenced by the Kansas Department of Labor's rules and Unemployment Benefits Form 2023, Mr. Baumann applied for unemployment insurance benefits on April 16, 2023, potentially indicating his intention to quit the next day. Therefore, his termination was not related to his protected activities, but rather based on his poor performance.

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- 
8. **Legal and Ethical Obligations:** The mine operator has a legal and ethical obligation to ensure a safe work environment for all employees. We remain committed to supporting employees' rights to report safety issues without fear of retaliation.

In conclusion, American Tripoli vehemently denies that Mr. Baumann's termination was in violation of Section 105(c) of the Mine Act. The decision to terminate Mr. Baumann was a result of his consistent poor performance, inability to fulfill his responsibilities, and the company's efforts to maintain the safety and efficiency of its operations, and not because of any protected activities he may have engaged in under the Mine Act. The proposed civil penalty is excessive and unwarranted, considering the specific circumstances of the case.

**INTERROGATORY NO. 2:** State the facts you contend support your claim that you did not violate Section 105(c) of the Mine Act, 30 U.S.C. § 815(c) by interfering with miners' rights at the MoSenecaMfr LLC dba American Tr mine, as outlined in Count II of the Complaint filed in this docket.

**ANSWER:** In response to Count II of the Complaint, which alleges interference with miners' rights under Section 105(c)(1) of the Mine Act, the Respondent vehemently denies the allegations and submits the following arguments and facts to refute the claim of interference.

**1. INTENT OF COMMUNICATION:**

The primary argument against the interference complaint centers around the intent behind Mr. John Spears' message to Mr. Gage Wheeler during the MSHA inspection on 14FEB2023. The message was not intended to interfere with miners' rights but rather to facilitate communication and ensure accurate information transfer to the MSHA inspector. We want to clarify that the communication on February 14, 2023, was directed to a specific miner, Gage Wheeler, and was not a message sent to all miners. Mr. Gage Wheeler, who had a history of being confrontational during past MSHA inspections. Therefore, it was crucial to address potential issues in communication. This communication has been included in the "ALL Communications regarding MSHA.pdf, 14FEB2023 - John message to Gage about MSHA inspector.png, 14FEB2023 - John message to Gage about

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MSHA inspector 2nd part.png, 14FEB2023 - Russell message to John about not telling Gage to speak with MSHA inspectors.png" document for your reference. See folder "Request for Documents 20". Therefore, it was crucial to address potential issues in communication. This is a testament to the mine operator's commitment to ensuring smooth inspection processes.

**2. RESPECT FOR MINER RIGHTS:**

The Respondent reaffirms its unwavering commitment to respecting miners' rights to report safety or health issues to MSHA and to participate in inspections without interference. The mine operator has always upheld these rights and encouraged employees to express their concerns regarding safety and compliance without fear of retaliation. This commitment to miner rights was consistently maintained throughout Mr. Baumann's tenure, as well as during the MSHA inspection in question. There were no actions taken to undermine miners' rights to engage with MSHA inspectors.

**3. DISMISSAL OF INTERFERENCE CLAIM:**

The allegations in the interference complaint, as detailed in Count II, are not substantiated by concrete evidence or facts. While the complaint alleges that Respondent interfered with miners' statutory rights, there is no proof that Mr. Baumann was told not to speak with MSHA inspectors or that his rights were compromised in any way. Furthermore, the Respondent addressed any potential misunderstandings with miners, such as Mr. Gage Wheeler, to clarify that they were free to speak with MSHA inspectors. Mr. Gage Wheeler, having undergone MSHA training on miners' rights, confirmed that he did not feel that Respondent's message interfered with his rights.

In conclusion, the interference allegations in Count II of the Complaint lack substantial evidence and should be dismissed. The Respondent's actions have consistently been aimed at ensuring safety and compliance while respecting miners' rights. The complaint does not establish any violation of Section 105(c)(1) of the Mine Act. The proposed civil penalty is unwarranted in this case, as there is no basis for the interference claim, and the Respondent remains committed to maintaining a safe and healthy work environment.

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**INTERROGATORY NO. 3:** Set forth the job duties, title and responsibilities of Robert Baumann while he was employed by Respondent, including the dates of his employment in each role.

**ANSWER:** Mr. Robert Baumann served as a Shift Lead at our facility from June 16, 2022, to April 17, 2023. As a Shift Lead, Mr. Baumann had specific responsibilities to ensure the efficient and safe operation of our mill facility. His duties and responsibilities included but were not limited to the following:

**Shift Lead Duties:**

**Oversee Mill Associates:** While Mr. Baumann was not a supervisor, he provided guidance and support to Mill Associates, ensuring they carried out their tasks efficiently and complied with safety and operational guidelines.

**Daily Assignment of Start-Up and Shut-Down Tasks:** On a daily basis, Mr. Baumann was tasked to assign and ensured the completion of start-up and shut-down tasks on the boards located in the breakroom, contributing to the mill's daily operations efficiencies.

**Rotation Schedule and Task Assignments:** Daily, Mr. Baumann was tasked to assign roles, follow rotation schedules, and delegate specific tasks to Mill Associates to ensure the smooth functioning of the mill.

**Time Tracking:** Mr. Baumann was tasked to maintain records of worked hours, paid time off (PTO), or unpaid leave for Mill Associates, which was crucial for time management and payroll purposes.

**Enforcement of Safety Procedures:** He was responsible for reminding Mill Associates to wear appropriate personal protective equipment (PPE) and collaborated with the Environmental and Safety Specialist to ensure compliance with MSHA and company safety regulations. Which he lacked tremendously and the citations received during his tenure exemplify this.

**Utilization of MS Teams for Collaboration:** Mr. Baumann was tasked to actively use Microsoft Teams to foster collaboration and communication among team members, contributing to a cohesive and efficient work environment for which he failed at.

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**Control Room Backup:** He was tasked as the backup for the control room, which entailed operating the control room in the absence of the more experience Mill Associate.

**Control Room Operation:** In the absence of the more senior Mill Associate due to leave or other circumstances, Mr. Baumann was tasked for operating the control room, which is a mission-critical aspect of mill operations.

**Startup and Shutdown Procedures:** Mr. Baumann was tasked with the startup and shutdown procedures of the mill, ensuring they were executed according to established protocols.

**Collaboration with Quarry Associate/Operations Manager:** He was tasked to collaborate with the Quarry Associate and Operations Manager, specifically regarding material deliveries, crushing operations, and any material-related requirements for mill production.

**Mill Product and Production Supply Inventory:** Mr. Baumann was tasked to conduct monthly inventory counts for various supplies and materials, including bags, pallets, stretch wrap rolls, slip sheets, and oil, ensuring accurate records for operational purposes for which he failed at miserably.

**Shipping/Receiving Paperwork:** He was tasked in the preparation and verification of shipping and receiving paperwork, ensuring all relevant documents were complete and accurate. He also assisted truck drivers with paperwork-related inquiries and processing for which he struggled with the entire time.

**Mailing/Preparing Easy-to-Handle Bags:** Mr. Baumann was tasked with preparation of easy-to-handle retail bags, contributing to our efficient order fulfillment process for which his performance was so lacking that we were never able to get him to do this tasking.

**Quality Control/CILAS Reports:** He was tasked to run CILAS (Coupled Ion Chromatography and Light Scattering) reports after each grade of product was produced, maintaining quality control records. Again his performance was so lacking that we were never able to get him to do this tasking.

**Preventive Maintenance Schedule:** Mr. Baumann was tasked to collaborate with the maintenance team to update the preventive maintenance schedule as tasks were completed or needed to be added, ensuring the



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equipment's reliability and longevity. Again, his performance was so lacking that we were never able to get him to do this tasking.

Mill Parts/Supplies Requests: He was tasked to work closely with the maintenance team to identify and request necessary parts and supplies, including online searches and submission of quotes to the Operations Manager for approval and purchasing. Again, his performance was so lacking that we were never able to get him to do this tasking.

Additional Tasks: Mr. Baumann struggled with effectively completing the above tasks and responsibilities as requested by different departments, showcasing his flexibility and dedication to the smooth operation of the facility that he was not respected by his peers.

Professional Development Counseling: He was tasked to work with the Operations Manager to conduct professional development counseling sessions, focusing on the growth and development of Mill Associates. These, due to his poor performance, never happened.

While Mr. Baumann was a shift lead, not a supervisor, this role is instrumental in various aspects of mill operations. This detailed overview of his job duties during his employment at our facility accurately represents the nature of his role at American Tripoli.

**INTERROGATORY NO. 4:** If Respondent claims that a defense or affirmative defense is applicable to the claims at issue in this case, please identify each such defense and state with particularity the material facts supporting such defense.

**ANSWER:** While we understand the need for transparency and adherence to legal processes, we firmly contend that requiring the immediate identification of defenses with particularity may not be suitable for the complex and evolving nature of this case. It is essential to uphold the principles of fairness, due process, and the right to develop a comprehensive defense. We propose that the Respondent be allowed to identify defenses as the case unfolds, ensuring that both parties have an equal opportunity to present their positions

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effectively. This approach will safeguard the integrity of the legal process while preserving the rights of all parties involved.

**INTERROGATORY NO. 5:** Set forth the reasons Robert Baumann was terminated, who participated in the decision to terminate Robert Baumann, and the date such decision was made.

**ANSWER:** The termination of Mr. Robert Baumann was based on well-established principles of employment and operational policies. The decision to terminate an employee is never taken lightly and is made in consideration of multiple factors, including the overall safety and efficiency of our operations. Below, we provide a general outline of the principles that guided Mr. Baumann's termination and the individuals involved in the decision.

**Principles for Termination:**

Mr. Baumann's termination was the result of several factors, including but not limited to:

- **Poor Performance:** Mr. Baumann's performance as a shift lead consistently fell below acceptable standards, demonstrating an inability to fulfill his role effectively.
- **Lack of Leadership Skills:** Mr. Baumann's performance was hindered by a lack of leadership skills, which were essential for his position.
- **Failure to Follow Procedures and Guidance:** Despite several attempts to address these issues through coaching, feedback sessions, and open communication channels, Mr. Baumann did not exhibit any signs of improvement in his performance or attitude.
- **Safety Concerns:** Safety is a paramount concern in our operations. Mr. Baumann's disregard for safety guidelines, and failure to take safety matters seriously, created an unsafe work environment for himself and his colleagues.
- Also following the Missouri Department of Labor Discharged Employees and Final Wages, Missouri follows the Employment-At-Will doctrine. This means that both the employer and



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employee can terminate the employment relationship at any time and for any reason, as long as there is no employment contract to the contrary, there is no discrimination under civil rights laws (based on race, color, age, national origin, religion, ancestry, sex, or physical/mental disability), no merit laws apply, or the state's limited public policy exception does not apply. (<https://labor.mo.gov/dls/general/termination-final-wages>)

**Participants in the Decision:**

The decision to terminate Mr. Baumann was made collectively by management personnel within our organization. It is important to emphasize that the decision was based on a thorough assessment of Mr. Baumann's performance, through different managers' feedback, in alignment with established company policies.

**Date of the Decision:**

The decision to terminate Mr. Baumann was made in accordance with company protocols and procedures, and it was communicated to Mr. Baumann on April 17, 2023. It is important to note that termination is not an abrupt action but a culmination of ongoing discussions, evaluations, and attempts to improve an employee's performance over time.

In conclusion, the decision to terminate Mr. Baumann was based on general principles of employment and operational policies to ensure the safety and efficiency of our operations. We remain committed to safeguarding both individual rights and operational integrity while adhering to legal and ethical standards.

**INTERROGATORY NO. 6:** Identify by name, job title, job duties, dates of employment, phone number, email address, and home address, each individual employed by Respondent at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022 through April 17, 2023.

**ANSWER:** Respondent provides the following information regarding individuals employed at American Tripoli from June 1, 2022, through April 17, 2023:

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**1. Frank Duran**

- a. Job Title: Asst Manager
- b. Dates of Employment: September 27, 2021, through March 24, 2022
- c. Home Address: 8624 Cedar Dr. Joplin, MO 64804

**2. Camrin Bindel**

- a. Job Title: Mill Associate
- b. Dates of Employment: March 28, 2022, through June 7, 2022
- c. Home Address: 201 N. Vine St Commerce, OK 74339

**3. Jeffrey Willis**

- a. Job Title: Maintenance Lead
- b. Dates of Employment: March 21, 2022, through July 29, 2022
- c. Home Address: 1910 Pineville, Neosho, MO 64850

**4. Roger Chester**

- a. Job Title: Quarry Manager
- b. Dates of Employment: June 4, 1983, through August 9, 2022
- c. Home Address: 69101 East 94th Rd, Wyandotte, OK 74370

**5. Juan Trujillo**

- a. Job Title: Maintenance Associate
- b. Dates of Employment: June 15, 2022, through August 15, 2022
- c. Home Address: 2137 Elenor St, Springdale, AR 72764

**6. Christine Schreiber**

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- a. Job Title: Operations Manager
  - b. Dates of Employment: April 4, 2022, through August 17, 2022
  - c. Home Address: 2302 E. 10th St., Joplin, MO 64801

**7. Jubil Clark**

- a. Job Title: Mill Associate
- b. Dates of Employment: April 27, 2022, through November 11, 2022
- c. Home Address: 11701 S 510 Rd, Miami, OK 74354

**8. Cheri Blount**

- a. Job Title: Administrative Assistant
- b. Dates of Employment: May 16, 2022, through August 26, 2022
- c. Home Address: PO Box 732 Miami, OK 74355

**9. Bonnie Bainter**

- a. Job Title: EHS Manager
- b. Dates of Employment: January 17, 2022, through August 30, 2022
- c. Home Address: 122 W. Pearl St, Goodman, MO, 64843

**10. Angela Schafer**

- a. Job Title: Production Shipping Coordinator
- b. Dates of Employment: August 18, 2022, through September 13, 2022
- c. Home Address: 9002 W. Hwy 20, Jay, OK 74346

**11. Joshua Bird**

- a. Job Title: Mill Associate
- b. Dates of Employment: May 26, 2022, through September 27, 2022

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c. Home Address: 118 N. Main St. Fairland, OK 74343

12. William Shallenburger

- a. Job Title: Production Manager
- b. Dates of Employment: August 24, 2022, through October 5, 2022
- c. Home Address: 66117 E. 160 Rd, Wyandotte, OK 74370

13. Jessie Hodge

- a. Job Title: Maintenance Lead
- b. Dates of Employment: August 1, 2022, through October 31, 2022
- c. Home Address: 9002 W. Hwy 20, Jay, OK 74346

14. Carson Allman

- a. Job Title: Maintenance Associate
- b. Dates of Employment: September 15, 2022, through November 4, 2022
- c. Home Address: 1738 Salt Rd, Noel, MO 64854

15. Terry Newburn

- a. Job Title: Safety Manager
- b. Dates of Employment: September 26, 2022, through November 4, 2022
- c. Home Address: 405 Gratz St, Noel, MO 64854

16. Landry Barnes

- a. Job Title: Mill Associate
- b. Dates of Employment: April 27, 2022, through November 11, 2022
- c. Home Address: 11701 S 510 Rd, Miami, OK 74354

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**17. Terry Barlow**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: November 8, 2022, through November 13, 2022
- c. Home Address: 12624 Elder Rd, Diamond, MO 64840

**18. Richard McClelland**

- a. Job Title: Production Supervisor
- b. Dates of Employment: November 14, 2022, through November 16, 2022
- c. Home Address: 105 N. Delaware St., Grove, OK 74344

**19. Blake Leaf**

- a. Job Title: Mill Associate
- b. Dates of Employment: October 12, 2022, through November 30, 2022
- c. Home Address: 65300 E. 248 Ln Lot 60, Grove, OK 74344

**20. Justin Campbell**

- a. Job Title: Mill Associate
- b. Dates of Employment: October 12, 2022, through December 29, 2022
- c. Home Address: 112 N. Elm St, Wyandotte, OK 74370

**21. Sarah Giberti**

- a. Job Title: Administrative Assistant
- b. Dates of Employment: August 29, 2022, through December 30, 2022
- c. Home Address: 535 Dove Rd, Goodman, MO 64843

**22. Bryceton Williams**

- a. Job Title: Maintenance Technician

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- b. Dates of Employment: November 21, 2022, through January 2, 2023
  - c. Home Address: 4824 Empire Lane, Joplin, MO 64804

**23. Benjamin Waters**

- a. Job Title: Mill Associate
- b. Dates of Employment: June 6, 2022, through January 4, 2023
- c. Home Address: 4161 Detroit Dr, Joplin, MO 64804

**24. Dakota Fellers**

- a. Job Title: Mill Associate
- b. Dates of Employment: January 11, 2023, through January 17, 2023
- c. Home Address: 300 W. Washington, Marionville, MO 65705

**25. Kensley Brewer**

- a. Job Title: Production Coordinator
- b. Dates of Employment: December 19, 2022, through January 24, 2023
- c. Home Address: 2415 Alabama Ave., Joplin, MO 64804

**26. Andrew Wasson**

- a. Job Title: Heavy Equipment Operator
- b. Dates of Employment: December 12, 2022, through February 25, 2023
- c. Home Address: 408 W. Spring St., Neosho, MO 64850

**27. Gage Wheeler**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: December 26, 2022, through February 28, 2023
- c. Home Address: 618 Valley View Dr., Carl Junction, MO 64834

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## 28. Alex Snodgrass

- a. Job Title: Production Coordinator
- b. Dates of Employment: March 20, 2023, through April 14, 2023
- c. Home Address: 3812 South Indiana Ave., Joplin, MO 64804

## 29. Robert Baumann

- a. Job Title: Production Supervisor
- b. Dates of Employment: June 16, 2022, through April 17, 2023
- c. Home Address: 939 South Park Dr, Columbus, KS 66725

## 30. Ronnell Fondren

- a. Job Title: Mill Associate
- b. Dates of Employment: February 8, 2023, through April 20, 2023
- c. Home Address: 2640 E. 34th St Apt F76, Joplin, MO 64804

## 31. Jessie Molesi

- a. Job Title: EHS Specialist
- b. Dates of Employment: March 20, 2023, through August 10, 2023
- c. Home Address: 175 Judd St., Granby, MO 64844

## 32. Jeremy Talbert

- a. Job Title: Maintenance Technician
- b. Dates of Employment: March 20, 2023, through August 11, 2023
- c. Home Address: 2640 E. 34th St Apt F76, Joplin, MO 64804

## 33. Patrick Lewis



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- 
- a. Job Title: Mill Associate
  - b. Dates of Employment: March 7, 2022, through August 25, 2023
  - c. Home Address: 13305 Iris Rd #4 Neosho, MO 64850

**34. Ryan Closser**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: March 27, 2023, through September 1, 2023
- c. Home Address: 624 Tatterson, Puenweg, MO 64841

**35. Jimmy Hoover**

- a. Job Title: Mill Associate
- b. Dates of Employment: November 14, 2018, through September 14, 2023
- c. Home Address: PO Box 111, Seneca, MO 64865

**36. Raneldon Williams**

- a. Job Title: Mill Associate
- b. Dates of Employment: June 20, 2022 - Present
- c. Home Address: 3812 South Indiana Ave., Joplin, MO 64804

**37. John Spears**

- a. Job Title: Operations Manager
- b. Dates of Employment: August 17, 2022 - Present
- c. Home Address: 10396 Reindeer Dr., Granby, MO 64844

In addition, see attachment Employee Roster Info 1June2022 -17APR2023.pdf



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**INTERROGATORY NO. 7:** Identify each instance, since June 2021, in which an employee was terminated by Respondent at the MoSenecaMfr LLC dba American Tr mine, including the reason for the termination, the date of the termination, and the name and job title of the employee terminated.

**ANSWER:**

Regarding the request to identify instances of employee terminations at American Tripoli since June 2021, please find the information below:

Frank Duran

Job Title: Assistant Manager

Date of Termination: March 24, 2022

Reason for Termination: Insubordination

Camrin Bindel

Job Title: Mill Associate

Date of Termination: June 7, 2022

Reason for Termination: Behavior issues

Jessie Hodge

Job Title: Maintenance

Date of Termination: October 30, 2022

Reason for Termination: Performance issues

Carson Allman

Job Title: Maintenance

Date of Termination: November 4, 2022

Reason for Termination: Performance issues

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Terry Newborn

Job Title: Safety

Date of Termination: November 4, 2022

Reason for Termination: Performance and insubordination issues

Robert Baumann

Job Title: Shift Lead

Date of Termination: April 17, 2023

Reason for Termination: Performance issues

Ryan Closser

Job Title: Maintenance

Date of Termination: August 30, 2023

Reason for Termination: Performance and attendance issues

Jim Hoover

Job Title: Mill Associate

Date of Termination: September 14, 2023

Reason for Termination: Performance and attendance issues

Please note that these terminations were conducted based on our internal policies and procedures, considering various factors related to each employee's performance, conduct, or behavior. We remain committed to ensuring a safe and productive work environment for all employees at our mine.

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**DECLARATION**

I, Russell Tidaback state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: Russell Tidaback

Title: Managing Member

Dated: 16OCT2023

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**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents identified or referred to in your answers to the interrogatories above.

**RESPONSE:** In response to your request for production of documents, we have provided attachments that include all documents identified or referred to in our answers to the interrogatories. Please find these documents attached to this response in the respective labeled folder. If you have any specific questions or require further clarification regarding any of these documents, please do not hesitate to reach out, and we will be happy to assist further.

2. Produce the documents related to the terminations identified in response to Interrogatory No. 7.

**RESPONSE:** In accordance with your request to produce documents related to the terminations identified in response to Interrogatory No. 7, You will find these letters in the attached document labeled '*Individual name* - date - Termination Letter' in folder labeled "Request for Documents 2". If you require any further information or have additional questions, please feel free to contact us for clarification or any other assistance needed.

3. Produce all documents which you contend support any claims or defenses you have or may raise to the claims at issue in this docket.

**RESPONSE:** In response to your request to produce documents that support any claims or defenses we have or may raise in this docket, we acknowledge the importance of transparency and cooperation in the legal process. While we understand your desire for particularity, it's crucial to note the complex and evolving nature of this case. Requiring the immediate identification of defenses may not align with the principles of fairness, due process, and the right to develop a comprehensive defense.

We propose an approach that allows both parties to identify defenses as the case unfolds, ensuring a balanced opportunity to present positions effectively. This approach will safeguard the integrity of the legal process while respecting the rights of all parties involved.

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We are fully committed to complying with our legal obligations and cooperating in the discovery process. As such, we are providing all relevant documents and will promptly provide any additional relevant documents as they become available and maintain open communication with your team. If you require specific documents or have further inquiries related to this request, please do not hesitate to reach out to us for clarification and assistance.

4. Produce the documents pertaining to any of Respondent's denials that it did not commit the alleged 105(c) violations set forth in the Complaint in this docket.

**RESPONSE:** In response to your request to produce documents related to any of our denials concerning the alleged 105(c) violations set forth in the Complaint in this docket, we understand the significance of transparency and adherence to the legal process. We are fully committed to cooperating and complying with our legal obligations.

We have provided the Operator's Answer, Document No. CENT 2023-0251 – Operator's Answer.pdf, to the complaint, located in folder "Request for Documents 4", and will continue to promptly provide documents related to any denials as they become available in the course of this legal proceeding. This approach ensures that both parties have equal opportunities to present their positions effectively and maintains the integrity of the legal process.

If you require specific documents or have further inquiries concerning this request, please feel free to contact us for clarification and assistance. We are dedicated to upholding the principles of due process and a fair legal process, and we look forward to working cooperatively with your team throughout the discovery process.

5. Produce Robert Baumann's personnel file.

**RESPONSE:** In response to your request for Robert Baumann's personnel file, please find attached the requested personnel file for Robert Baumann labelled "Request for Documents 5". This file contains all

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relevant information regarding his employment, performance, and any related matters during his tenure with our organization.

We are committed to providing the necessary documents and information as part of our cooperation in this legal process. If you have any further requests, require additional information, or have any specific questions regarding the personnel file, please do not hesitate to contact us. We are dedicated to ensuring a transparent and fair process throughout the course of this legal proceeding.

6. Produce the documents showing all training provided to Robert Baumann while he was employed by Respondent.

**RESPONSE:** We acknowledge your request for all training records related to Robert Baumann during his employment with our company. Please be advised that Robert Baumann received mandatory training required by the Mine Safety and Health Administration (MSHA) during his tenure with our organization. This training includes but is not limited to new miner training and other MSHA-required safety and health courses.

It's important to note that our company primarily provides MSHA-mandated training, and any additional training is often self-driven or related to specific tasks and equipment operation.

We will provide all records related to the MSHA-required training received by Robert Baumann as part of this response. However, please understand that there may be limited records for additional training beyond MSHA requirements as most of his responsibilities were covered by the mandatory safety training. All presented and available 24/7 employee training, see the documents in the attached folder labeled "Request for Documents 6".

If you have specific questions or require further clarification regarding the provided training records, please do not hesitate to contact us. We are dedicated to ensuring transparency and compliance with all aspects of this legal proceeding.

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7. Produce the documents showing all payments and compensation made to Robert Baumann by Respondent.

**RESPONSE:** We acknowledge your request for documents showing all payments and compensation made to Robert Baumann by our company. Please find attached the document 'Robert Baumann Payroll Detail 07.01.22-04.21.23.pdf,' in folder "Request for Documents 7", which contains the relevant payroll information for Mr. Baumann during his employment with us.

The attached document includes detailed payroll records, payment history, and compensation breakdowns, and it should address your request adequately.

We are committed to providing any additional information or clarifications you may require during the discovery process. If you have any further questions or need additional documents, please don't hesitate to reach out.

8. Produce the documents showing all benefits provided to Robert Baumann by Respondent, including insurance benefits, retirement benefits, and paid leave.

**RESPONSE:** We provided Robert Baumann with the opportunity to enroll in medical and dental insurance benefits; however, he chose not to apply for these benefits during his employment with us. Additionally, Mr. Baumann was offered a Red Wing boot voucher but did not utilize it.

For a comprehensive overview of Mr. Baumann's benefits, including insurance benefits, retirement benefits, and paid leave, please refer to the attached document labeled "American Tripoli Employee Handbook.pdf." This document outlines the summary of benefits made available to him during his employment with Respondent.

In addition, for Mr. Baumann's accrued paid time off, consult the attached document titled "Paid Time Off Accruals for Mr. Baumann.pdf." This document provides details about his paid time off accruals. Both of the above-mentioned documents are in folder labelled "Request for Documents 8".



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9. Produce the documents showing the hours worked by Robert Baumann while he was employed by Respondent.

**RESPONSE:** Please find attached the document labeled "Robert Baumann Payroll Detail 07.01.22-04.21.23.pdf." located in folder labelled "Request for Documents 9". This document provides a detailed record of the hours worked by Robert Baumann during his employment with Respondent, covering the period from July 1, 2022, through April 21, 2023. The hours worked are accurately recorded in this document.

10. Produce your employee handbook and/or any other documents which set forth the conditions and/or terms of employment for employees at the MoSenecaMfr LLC dba American Tr mine in effect at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** See attachments Robert Baumann\_American Tripoli Position Offer Letter.pdf and the American Tripoli Employee Handbook.pdf in folder labelled "Request for Documents 10".

11. Produce the documents reflecting any discipline of Robert Baumann.

**RESPONSE:** We acknowledge that there were instances where disciplinary actions were taken concerning Mr. Robert Baumann; however, it is important to note that the company's disciplinary process, as outlined in the employee handbook, allows for flexibility in addressing employment issues. While the handbook provides for a progressive discipline process, it also clarifies that the company is not bound by a specific sequence and reserves the right to address matters promptly, in accordance with the "at-will" employment relationship. We are committed to providing any available records reflecting the disciplinary actions taken. Please note that while the "written" part of the progressive discipline process was not consistently documented, appropriate actions were taken to address the concerns and maintain compliance with company policies.



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12. Produce the documents reflecting any safety complaints made or safety concerns raised by Robert Baumann to any of Respondent's managers, owners or supervisors.

**RESPONSE:** While we take safety concerns seriously and maintain a robust system for addressing them, we do not have specific documentation of safety complaints or concerns raised by Mr. Robert Baumann. Our safety protocols encourage open communication, and our managers, owners, and supervisors are committed to promptly addressing any safety-related matters. While we have not found records of such complaints or concerns pertaining to Mr. Baumann, we emphasize that we actively encourage employees to report any safety issues, and we remain vigilant in ensuring a safe working environment. If any specific concerns emerge during the course of this case, we will promptly provide relevant documentation.

13. Produce the documents reflecting Robert Baumann's designation as a representative of the miners at the MoSenecaMfr LLC dba American Tr mine.

**RESPONSE:** Mr. Robert Baumann never provided any documents designating himself as a representative of the miners at the MoSenecaMfr LLC dba American Tr mine. The first indication of such a designation came to our attention when the complaint was received by MSHA. We have not found any records or documents related to Mr. Baumann's official designation as a miner representative.

14. Produce the native document, in its native format with all metadata, of the PDF document Respondent produced to MSHA during the investigation of this case titled "Rob Baumann-Notes".

**RESPONSE:** The PDF document titled "Rob Baumann-Notes" produced to MSHA during the investigation of this case is the native document in its original format. Mr. Tidaback's personal notes regarding personnel matters are periodically transcribed from a Rocketbook wipeable notebook he carries with him. The PDF provided accurately represents the content and format of the original notes.

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15. Produce Robert Baumann's "employee journal" or any other document where you kept notes and/or information about Robert Baumann and his job performance.

**RESPONSE:** The document titled "Rob Baumann Russell Notes.pdf" produced to MSHA during the investigation of this case is the employee journal or document where notes and information about Robert Baumann and his job performance were kept. Please refer to this document for the requested information.

16. Produce the "employee journal" or any other documents where you kept notes and/or information about employees employed by Respondent at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** The attached documents titled "Rob Baumann Russell Notes.pdf," "Christine Schreiber Russell Notes.pdf," and "Jim Hoover Russell Notes.pdf", see folder labelled "Request for Documents 16", are the employee journals or documents where notes and information about employees employed by Respondent at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022, through April 17, 2023, were kept. Please refer to these documents for the requested information.

17. Produce the workplace examinations and/or workplace inspections from the MoSenecaMfr LLC dba American Tr mine from June 1, 2022 through April 17, 2023.

**RESPONSE:** The workplace examinations and workplace inspections conducted at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022, through April 17, 2023, are contained in the attached document titled "Daily Workplace Inspections 1JUNE2022 - 17APR2023.pdf.", see folder labelled "Request for Documents 17". Please refer to this document for the requested workplace examination and inspection information.

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18. Produce the Microsoft Teams chats or messages involving any employee of Respondent, including owners, managers, supervisors, maintenance personnel, etc., regarding Robert Baumann's discrimination complaint, Robert Baumann's termination, Robert Baumann's job performance, safety related concerns or complaints raised by Robert Baumann, complaints about Robert Baumann, and/or Robert Baumann's workplace examinations.

**RESPONSE:** Producing the entire Microsoft Teams chats or messages involving any employee of Respondent, as specified in your request, is overly broad and would entail disclosing vast amounts of irrelevant information. Unfortunately, we do not have the capacity to retrieve messages from employees' accounts, as they are maintained on their individual devices. Also unless Mr. Baumann's name is specifically in the messages there is no way to search for generics. To maintain the integrity of the discovery process, we propose a more targeted approach.

Given that the only employees still employed by Respondent since the termination of Mr. Baumann are Mr. Williams, and Mr. Spears, we can provide group messages involving these individuals for the specified purposes. If you could kindly specify the date ranges, topics, or any other relevant details for these chats and messages, we will make a good faith effort to assist in obtaining any relevant messages. In the folder labeled "Request for Documents 18", there is a document titled "Communication between Jim are Russ regard Rob post 17APR2023.pdf", this running conversation points out Mr. Jim Hoover's opinions, distrust, aggravation and hassle when dealing with Mr. Baumann. Mr. Hoover was the most senior employee with over four years of experience at the mine site.

19. Produce the documents reflecting any "counseling and guidance" provided to Robert Baumann while he was employed by Respondent.

**RESPONSE:** While we acknowledge that counseling and guidance were provided to Robert Baumann during his employment, these interactions were primarily conducted verbally, and no formal written records were maintained. Any guidance or counseling discussions were aimed at improving his job performance, ensuring compliance with safety protocols, and fostering a better work environment. We

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remain committed to maintaining open lines of communication and providing support to our employees as needed.

20. Produce the text messages, emails, Microsoft Teams chat, and/or any other communication from John Spears to any employees regarding MSHA inspections, including the February 14, 2023 message to miners regarding MSHA's inspection.

**RESPONSE:** All communications related to MSHA inspections and interactions with MSHA inspectors have been consolidated into a comprehensive document labeled "ALL Communications regarding MSHA.pdf." This document contains a thorough record of all communications, including Microsoft Teams chats, text messages, and emails exchanged between employees of Respondent at the MoSenecaMfr LLC dba American Tr mine concerning MSHA inspections and interactions with MSHA inspectors.

By consolidating these communications into a single document, we aim to provide a complete and organized account of our interactions with MSHA and MSHA inspectors. This approach is intended to streamline the document production process and ensure clarity in our responses.

If you have any specific questions or need further information regarding these communications, please do not hesitate to contact us. We are committed to transparency and open communication throughout this process.

21. Produce the text messages, emails, Microsoft Teams chat, and/or any other communication from and/or between Robert Baumann, Respondent, John Spears, Russell Tidaback, and/or Jordan Tidaback regarding the MSHA 104(b) Order issued on April 12, 2023 or payment during the withdrawal order.

**RESPONSE:** Please find attached the requested communications regarding the MSHA 104(b) Order issued on April 12, 2023, and payment during the withdrawal order, "Request for Documents 21". We wish to emphasize that, in full compliance with MSHA regulations and with a commitment to the well-

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being of our miners, Respondent promptly paid the miners as required by the 104(b) Order, without any delay.

1. Chat messages between Robert Baumann to John Spears and John Spears to Ms. Tidaback and Mr. Tidaback (labeled as "14APR2022 – Chat messages showing Robs misunderstanding regarding a 104(b) order and pay.pdf").
2. Email chain involving Mr. Markeson, Respondent, John Spears, and Russell Tidaback (labeled as "Email Chain w Markeson regarding miner compensation - RE\_ 12APR2023 - B Order #9539789 & 9539790.pdf").
3. Text messages between Robert Baumann and John Spears (labeled as "12APR2023 - Text message between Mr. Baumann and Mr. Spears regarding work and being paid.png").

These documents encompass the pertinent communications and discussions surrounding the MSHA 104(b) Order and issues related to payment during the withdrawal order. We would like to reiterate that all miners were paid appropriately and without delay in accordance with MSHA regulations. Should you require any further specific information or have additional inquiries, please do not hesitate to reach out.

22. Produce Respondent's disciplinary policy in effect at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** Our disciplinary policy in effect at the MoSenecaMfr LLC dba American Tr mine during the specified period can be found in the attached document titled "American Tripoli Employee Handbook.pdf.", see folder labeled "Request for Documents 22". The relevant information regarding our Progressive Discipline policy can be located in the handbook, specifically in the paragraph that addresses Progressive Discipline.

23. Produce the documents reflecting any discipline given to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2021 through April 17, 2023.

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**RESPONSE:** Please find the attached documents in labelled folder “Request for Documents 23”, which reflect instances of discipline given to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine during the specified timeframe from June 1, 2021, through April 17, 2023. These documents provide details of the written disciplinary actions, including warnings, reprimands, counseling, and terminations, that were administered and recorded in accordance with company policies and procedures.

Attached documents:

26APR2022 Jena Turner Reprimand.pdf

7JUNE2022\_Camrin Bindle Relieving Letter.pdf

7JUNE2022\_Camrin Bindle - Termination Letter.pdf

13OCT2022 - Carson Allman - Letter or Reprimand.pdf

12MAY2023\_RJ\_Williams\_Reprimand.pdf

12MAY2023\_Patrick\_Lewis\_LOR\_for performance and attendance.pdf

17JUL2023\_Jim\_Hoover\_Counseling\_SIGNED (1).pdf

19JUL2023\_RJ\_Williams\_Counseling\_Letter.pdf

20JUL2023\_Patrick\_Lewis\_Written\_Counseling.pdf

These documents demonstrate the company's commitment to maintaining discipline, safety, and compliance within the workplace. Should you require any additional information or have specific inquiries about any of these disciplinary actions, please feel free to communicate them to us. We are committed to ensuring transparency and cooperation throughout this process.



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24. Produce the documents reflecting any communications, including Microsoft Teams chats, text message, emails, to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine regarding MSHA inspections and/or any MSHA inspectors.

**RESPONSE:** All communications related to MSHA inspections and interactions with MSHA inspectors have been consolidated into a comprehensive document labeled "ALL Communications regarding MSHA.pdf.", in folder labeled "Request for Documents 24". This document contains a thorough record of all communications, including Microsoft Teams chats, text messages, and emails exchanged between employees of Respondent at the MoSenecaMfr LLC dba American Tr mine concerning MSHA inspections and interactions with MSHA inspectors.

By consolidating these communications into a single document, we aim to provide a complete and organized account of our interactions with MSHA and MSHA inspectors. This approach is intended to streamline the document production process and ensure clarity in our responses.

If you have any specific questions or need further information regarding these communications, please do not hesitate to contact us. We are committed to transparency and open communication throughout this process.

If you have any additional requests or require further documents related to this matter, please feel free to specify your needs, and we will do our best to accommodate them. Your understanding and cooperation in this matter are greatly appreciated.

25. Produce the documents discussing Robert Baumann's termination.

**RESPONSE:** We appreciate your request. We want to clarify that discussions related to Mr. Baumann's termination primarily took place in person or during video calls, which may not have generated electronic records.

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Should you need further clarification or additional information, please feel free to contact us, and we will do our best to assist.

26. Produce the documents you intend to use at the hearing in this matter.

**RESPONSE:** We are fully committed to complying with our legal obligations and cooperating in the discovery process. As such, we are providing all relevant documents and will promptly provide any additional relevant documents as they become available and maintain open communication with your team. If you require specific documents or have further inquiries related to this request, please do not hesitate to reach out to us for clarification and assistance.

### **REQUESTS FOR ADMISSION**

1. Admit that the MOSenecaMfr LLC dba American Tr mine is a mine as defined in Section 3(h) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 802(h).

**ANSWER:** Admit. The operator acknowledges that the MOSenecaMfr LLC dba American Tr mine falls within the definition of a mine as provided in the Mine Act. This acknowledgment is consistent with the operator's understanding of its activities and operations. However, this admission should not be construed as an admission of liability or wrongdoing with respect to the allegations in this case. The operator maintains that its operations have consistently aimed to comply with the Mine Act and relevant regulations, ensuring the safety and well-being of its workforce.



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2. Admit that the products of the MOSenecaMfr LLC dba American Tr mine enter commerce or the operations or products thereof affect commerce within the meaning and scope of the Federal Mine Safety and Health Act of 1977.

**ANSWER:** Admit. The operator acknowledges that, in the ordinary course of its mining operations, its products may be intended for commercial use or distribution, and as such, they have the potential to enter or affect commerce. However, this acknowledgment should not be construed as an admission of liability or wrongdoing with respect to the allegations in this case. The operator maintains that its operations have consistently aimed to comply with the Mine Act and relevant regulations, ensuring the safety and well-being of its workforce and the quality of its products.

3. Admit that MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli is the operator of the MOSenecaMfr LLC dba American Tr mine and was the operator of the mine from at least June 1, 2022 through April 17, 2023.

**ANSWER:** Admit. MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli, herein referred to as 'the operator,' is the entity responsible for the operation of the MOSenecaMfr LLC dba American Tr mine. The operator acknowledges that it assumed the role of the mine operator at the specified mine location, and this responsibility was held from at least June 1, 2022, through April 17, 2023.

While the operator admits to its role as the mine operator during the specified time frame, it is important to clarify that this acknowledgment does not constitute an admission of liability or wrongdoing with respect to the allegations contained within the case. The operator is committed to maintaining a safe and compliant workplace for its employees and remains steadfast in its position that the actions taken during this period were in accordance with applicable regulations and without any intent to discriminate or infringe upon the rights of miners.

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4. Admit that while Robert Baumann was employed by Respondent at the MOSenecaMfr LLC dba American Tr mine he was a “miner” as defined in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g).

**ANSWER:** Admit. While Robert Baumann was employed by Respondent at the MOSenecaMfr LLC dba American Tr mine, he met the criteria to be considered a 'miner' under the definition provided in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g). The operator acknowledges that Mr. Baumann was an employee involved in mining operations at the specified mine location during the relevant timeframe.

It is essential to clarify that the acknowledgment of Mr. Baumann's status as a 'miner' does not alter the operator's position that the actions taken regarding his employment were based on performance issues and not related to any form of discrimination or interference with miner's rights. The operator remains committed to providing a safe and compliant workplace for all its employees, including those meeting the definition of a 'miner' under the Mine Act.

5. Admit that Robert Baumann served as a representative of miners at the MOSenecaMfr LLC dba American Tr mine from March 21, 2023 through April 17, 2023.

**ANSWER:** Deny. The mine operator was not made aware of Robert Baumann serving as a representative of miners at the MOSenecaMfr LLC dba American Tr mine from March 21, 2023, through April 17, 2023. To the best of our knowledge and records, no formal notification or communication regarding Mr. Baumann's representation of miners was received by the mine operator during the specified period.

The mine operator is committed to adhering to all relevant regulations and compliance requirements under the Mine Act, including those pertaining to miner's representatives. In the absence of formal notice or awareness of Mr. Baumann's role as a representative of miners, the operator was unable to address any concerns or considerations related to his representation.

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It is crucial to clarify that the mine operator is dedicated to maintaining a safe working environment and complying with all applicable legal obligations. We welcome a comprehensive review of the facts and evidence related to Mr. Baumann's representation during the specified timeframe to ensure a just and equitable resolution.

6. Admit that the Federal Mine Safety and Health Review Commission has jurisdiction over this case under Section 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823.

**ANSWER:** Deny. The mine operator contests the assertion that the Federal Mine Safety and Health Review Commission (FMSHRC) has jurisdiction over this case under Section 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823. The mine operator believes that the actions taken, including the dismissal of the miner, were solely based on performance issues and not discriminatory in nature. As such, it is our position that the circumstances of this case do not fall within the purview of the aforementioned statutory provisions.

The mine operator strongly maintains that the miner's dismissal was a result of legitimate performance-related concerns in accordance with the established company policies, the state of Missouri guidelines and not a violation of any miner's rights under the Mine Act. Therefore, we contend that the jurisdiction of the FMSHRC does not apply in this case. However, we are open to a thorough examination of the facts and circumstances surrounding this matter to arrive at a just resolution.

Russell Tidaback  
Managing Member  
American Tripoli  
Russell.Tidaback@americantripoli.com

# Discrimination Complaint

## U.S. Department of Labor Mine Safety and Health Administration



### Section A - This block is for MSHA Use Only.

1. District MADISONVILLE	2. Field Office ROLLA	3. Date Filed 4/25/2023	4. Received By CVanover	Case Number MADI-CD-2023-03
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### Section B - Complainant completes the rest of the form.

#### 1. Complainant(s) - Person(s) Discriminated Against

Name(s)	Address(es)	Phone Number w/Area Code
ROB BAUMANN	939 S PARK DR	417-356-0770
	COLUMBUS KS 66725	baumannr24@gmail.com

2. Has the discriminatory action resulted in your being suspended, laid off, or discharged? ☒ YES ☐ NO  
2a. If YES, Do you seek temporary reinstatement? ☐ YES ☒ NO

3. Date of discriminatory action: 4/17/2023	4. Kind of job you had at the discriminatory action: PRODUCTION SUPERVISOR
5. Rate of regular pay at the time of discriminatory action: \$20/HR	6. Number of regular hours worked each week (Based on last 12 months of work): 40
7. Rate of overtime pay at the time of discriminatory action: N/A	8. Average number of overtime hours worked each week (Based on last 12 months of work): N/A

### Section C - Respondent - Organization Committing Discrimination

1. Name of Company AMERICAN TRIPOLI	2. Address 222 ONIEDA ST, SENECA MO 64865	3. Area Code/Phone Number 239-829-5457
4. Mine ID Number (if known) 23-00504	5. Mine Name MOSenecaMfr LLC dba American Tripoli	6. Area Code/Phone Number at Mine

### Section D - Person(s) Responsible for Discriminatory Action

1. Name(s)	2. Job Title
RUSSELL TIDABACK	OWNER
JORDAN TIDABACK	OWNER
JOHN SPEARS	OPERATIONS MANAGER

**Section E -** If you desire that a copy of all correspondence addressed to you from MSHA be provided to a representative (e.g. Union representative, attorney, etc.) please give his/her name and address to the right.

Please use MSHA form 2000-124, Discrimination Report, to provide a summary of your complaint explaining what discriminatory action was taken against you, including the date, the time, and location of the action. Explain why you believe this action was discriminatory, and describe the relief being sought (for example, reinstatement, back pay, etc).



# Discrimination Report

U.S. Department of Labor  
Mine Safety and Health Administration



Discrimination Complaint of name(s)  
ROB BAUMANN

Case Number

## Summary of Discriminatory Action

On 4/17/2023, I was terminated without cause. The letter that I was given stated that I was not doing satisfactory work even though I've never had any type of write up. I believe that I was terminated due to speaking with MSHA regarding various issues. I oversee employees and they were worried about their pay when the operation was shut down on 4/12/2023 and I questioned management about everyone's pay. They sent me a text on 4/16 to come in at 8:00 on 4/17/2023. Upon arriving for the meeting, John Spears handed me a termination letter stating that I had been let go effective immediately based on my job performance or lack thereof, when I had never had issues before.

I want to receive compensation from my last day of employment until I find a new position elsewhere. *plus 2 weeks pay*

*Robert Baumann*  
Signature(s) of Complainant(s)

*4-24-2023*  
Date

Unknown User 4/13/23 7:17 PM

UU 

Also I sent an email to markeson asking for some reference material but also if he or someone else could come out and at the very least allow lighting and power to the maintenance shop still awaiting response



April 14, 2023

4/14/23 8:16 AM

Unknown User 4/13/2023, 3:07 PM

Correct me if I am wrong but based off the email we have to get everyone medically check which I will by tomorrow and get a PAPR...

Jessie Moles following up on your inquiry... yes, with the information provided yesterday, link to the CDC and the TLV chart with the filter references, we now understand where the PAPR systems come into play. If this information was presented clearly at the beginning we would have understood.

We ordered the 4 masks. Should be delivered Mon-Wed of next week.

Once we get the masks, from what I am reading, Page 32-33

<https://arlweb.msha.gov/regs/complian/ppm/PDFVersion/PPM%20Vol%20IV.pdf>

we can had the order modified to operate.

I am still a little grey on the whole air resample process, and am inquiring Mr. Pratt about it all...

but, until we get a air resample done by MSHA, the miners exposed will have to wear the PAPR masks. The others... Rob, Maintenance, John, you, etc, from what I understand, since you arent over exposed due to different positions and exiting the mill periodically throughout the day, do not need to wear the PAPR masks. Remember, its amount of exposure over an 8-hr period not instant exposure, like a chemical.

N95 paper masks, doors and windows open, and the exhaust fans on... we should be fine.

once we get the giliblator back from service, do an air sample and let Keith know that we'd like an air sample redone based on your recent readings.

Then everything should work its way out.



Then everything should work its way out.

With the masks, hand receipt them to the individual miner. The hand receipts go to John, so we can store these in their personnel folder.

The mill associates who were overexposed are responsible to bring the masks, filter and battery to you at the end of their shift and you'll charge the battery.

Lets make sure we have an SOP on proper use, cleaning, and storage of these masks. Especially the batteries. We dont want them plugged in and overcharging (destroying themselves).

We can store the masks and filters in the vault. but the batteries, need to be stored in the closet by the back door. Labelled accordingly so we know what they are next time we need them.

Once we get the all clear on the air sample fiasco. Lets make sure we properly account for them, clean them and put them in storage.

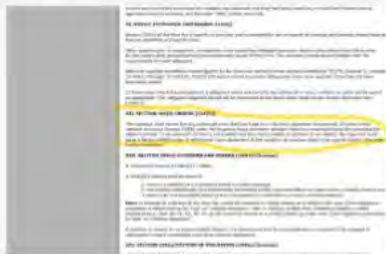
If need be, per the manufacture specs, creating a schedule to maintain them. Document this all in the Teams channel files.



Unknown User 4/14/23 9:40 AM

UU

Sir i just want to check for my understanding. A 104B order is not the same as a withdrawal order. I need to make sure i understand



4/14/23 10:06 AM

Yes that is my understanding as well. A 104 (b) is not a withdrawal order... a 104(d), 104(g), and a 107(a) ORDERS are withdrawal orders.

<https://www.law.cornell.edu/cfr/text/30/104.2>



30 CFR § 104.2 - Pattern criteria.



www.law.cornell.edu

Unknown User 4/14/23 10:07 AM

UU

Sorry just checking so many sources that i feel like differ or state different than others

4/14/23 10:09 AM

Oh no. I think you are doing a stand up job...

State to State will have different "guidelines".

Unfortunately, from an inspectors point of view, to protect yourself as an inspector, you need to be sure of your source and reference that source.



Unknown User 4/14/23 10:13 AM

UU

Working on making that SOP for the new PPE and gonna adjust the RPP to include the provided PFT test and new PPE. Also will upload these new med evaluations when they get back. Once I get this service code i can send in the Gilibrator so we can add that we do our own sampling and analysis into the RPP program



Hopefully they acknowledge that we are working on it



4/14/23 10:14 AM

yes, lets expedite the gilibrator service so the guys dont need the mask for too long.

Unknown User 4/14/23 10:14 AM

UU

I will send them a follow up email 🙏



4/14/23 11:50 AM

Jessie Moles thanks for including me in on emails to Keith... im responding now.

Unknown User 4/14/23 11:57 AM

UU

Of course

Was waiting for his responsec



4/14/23 2:55 PM Edited

As for the Withdrawal Order question... we will wait until we get clarification from MSHA.

I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines.

Us sending mill associates home was because no production capability not because of the 104(b) order.

John Spears 4/14/23 2:56 PM

JS

Russell Tidaback 4/14/2023 2:55 PM

As for the Withdrawal Order question... we will wait until we get clarification from MSHA. I believe they are going to tell us that the...

Agreed.





JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

"Production Control Manager, Seneca, MO" - Posted on August 1, 2022 Job Details \_  
Indeed.com.pdf

"Production Foreman, Seneca, MO" - Posted on August 1, 2022 Job Details \_ Indeed.com.pdf

"Production Lead, Seneca, MO" - Posted on April 17, 2023 Job Details \_ Indeed.com.pdf

Additionally, the mine operator utilized various online platforms, including Facebook community and job posting groups, to reach a broader audience for job postings and employment opportunities. These platforms were chosen to maximize the visibility of the job openings and attract potential candidates.

While the mine operator did post these job openings to replace Robert Baumann, it's important to note that records of job offers made to the numerous prospective employees who were not accepted with the intent to replace Robert Baumann were not retained by the mine operator. However, the mine operator can provide the names of the individuals who received job offers and subsequently accepted employment with the company:

Aaron Duke

Alex Snodgrass

David Dagle

Richard McClelland

Will Shallenburger

These individuals were extended job offers and accepted positions with the mine operator. Any additional details or documents related to these job offers or the hiring process can be provided upon further request.

**INTERROGATORY NO. 2:** To the extent you are making a financial hardship claim in this case, describe how the proposed penalties in this docket would affect Respondent's ability to remain in business, including a description of the current business climate as it relates to your business and how that has changed in the past two years. Such description should include any sales increases or decreases, opening/closing of different mines, and any unexpected expenses or loans.

**ANSWER:** In response to the interrogatory and regarding the financial impact of the proposed penalties, it is imperative to highlight the severe adverse effects that these penalties would have on American Tripoli's ability to remain in business. The current business climate has presented numerous challenges, and the imposition of substantial penalties would exacerbate the company's precarious financial situation.

Over the past two years, American Tripoli has faced several significant challenges that have strained its financial stability. These challenges include:

Employee High Turnover and Quiet Quitting: American Tripoli has experienced a high turnover rate among employees, with over 30 employees leaving the company since June 2021. This level of turnover is exceptionally high for a small company that typically employs 12-15 workers. The phenomenon of "quiet quitting," where employees disengage and become less productive, has also been a significant concern.

Impact of COVID-19: The aftermath of the COVID-19 pandemic has had a lasting impact on the business. The pandemic disrupted the labor market and created uncertainty in the workforce, making it challenging to attract and retain skilled workers.

Supply Chain Disruptions: The global supply chain disruptions in 2022 further compounded the challenges faced by American Tripoli. The costs of building a new mill, which might have allowed for expansion and increased revenue, were estimated to be prohibitively high, hindering any expansion plans.

Operational Shutdowns: The company has experienced prolonged operational shutdowns due to ongoing MSHA inspections and enforcement actions. These interruptions have cumulatively resulted in approximately 12 weeks of downtime, during which the company missed out on an estimated \$3,000,000 in revenue-generating operations. The company has asked the district numerous times for assisted visits to help us but to no avail.

Accumulated Debt: American Tripoli is currently burdened with a debt of approximately \$900,000, not including the \$2,000,000 balance on notes acquired to purchase the business.

Given the aforementioned challenges and the delicate financial state of the company, the proposed penalties in this docket would have a devastating impact on American Tripoli's ability to remain in business. These penalties would further exacerbate the company's debt burden, potentially pushing it towards bankruptcy.

The imposition of substantial fines by MSHA would strain the already limited financial resources, making it increasingly difficult for American Tripoli to meet its financial obligations, retain employees, and continue its operations. The company urges a thorough consideration of these

extenuating circumstances and the potential dire consequences of imposing such penalties.

### DECLARATION

I, RUSSELL TIDABACK state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: RUSSELL TIDABACK

Title: MANAGING MEMBER

Dated:

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents identified or referred to in your answers to the interrogatories above.

RESPONSE: The inquiry and request for information regarding Interrogatory No. 1. To assist you in obtaining the necessary details related to this matter, we kindly direct your attention to the uploaded documents contained in our case file. These documents are organized into folders labeled "Interrogatory 1" and "Interrogatory 2."

For your convenience and to facilitate your review, we have included the relevant documents in the respective folders as follows:

Interrogatory 1 Folder:

June 13, 2022 - Robert Baumann Application - Candidates \_ Indeed.com.pdf

August 1, 2022 - Production Controller, Seneca, MO - Job Details \_ Indeed.com.pdf

August 1, 2022 - Production Control Manager, Seneca, MO - Job Details \_  
Indeed.com.pdf

August 1, 2022 - Production Supervisor, Seneca, MO - Job Details \_ Indeed.com.pdf

April 17, 2023 - Production Lead, Seneca, MO - Job Details \_ Indeed.com.pdf

Aaron Duke\_American Tripoli\_Offer Letter\_25APR23 - signed.pdf

Alex Snodgrass Resume.pdf

David Daigle Employment Offer Letter.pdf

Richard McClelland\_American Tripoli Position Offer Letter.pdf

Will Shallenburger - American Tripoli Position Offer Letter.pdf

Interrogatory 2 Folder:

MOSENECAMANUFACTURER LLC - 2021 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2021 Income Statement.pdf

MOSENECAMANUFACTURER LLC - 2021 Tax Returns.pdf

MOSENECAMANUFACTURER LLC - 2022 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2022 Income Statement.pdf

MOSENECAMANUFACTURER LLC - 2022 Tax Returns.pdf

MOSENECAMANUFACTURER LLC - 2023 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2023 Income Statement.pdf

These documents contain relevant information pertaining to the job postings, hiring process, and financial records as outlined in Interrogatory No. 1 and Interrogatory No. 2.

We encourage you to refer to these documents to access the specific details requested.

Should you require any further clarification or additional information, please do not hesitate to reach out to us. We are committed to providing a comprehensive and accurate response to your inquiries.

2. Produce documents reflecting the final paycheck provided to Robert Baumann, including any associated pay stub.

RESPONSE: We have reviewed our records and have identified that the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf" was already included in our initial response within the "First Interrogatories Responses" submission. This document was attached for your reference in that submission.

3. Produce records of hours worked by Baumann on a weekly or bi-weekly basis, including any pay stubs showing hours worked for each pay period.

RESPONSE: We have reviewed our records and have identified that the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf" was already included in our initial response within the "First Interrogatories Responses" submission. This document was attached for your reference in that submission.



4. Produce each pay stub related to each payment made by Respondent to Robert Baumann.

RESPONSE: Upon reviewing your request, we have noted that Request Number 4, which seeks "each pay stub related to each payment made by Respondent to Robert Baumann," appears to be a duplicate of Request Number 2, where we have already provided the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf."

To avoid redundancy and to streamline the document retrieval process, we kindly refer you to our response for Request Number 2, where you will find the document you are seeking. This document includes the necessary information related to Robert Baumann's pay stubs during the specified period.

5. Produce Respondent's No Gossip Policy or any similar policy and/or procedure regarding gossiping, including any documents regarding when this policy was implemented.

RESPONSE: The request for the production of documents, specifically regarding Respondent's No Gossip Policy or any similar policy and/or procedure related to gossiping.

We would like to inform you that the No Gossip Policy, which you have requested, was discussed and implemented at our organization with due consideration for guidelines set forth by the National Labor Relations Board (NLRB). Our intention in crafting this policy was to ensure a productive and respectful work environment, in compliance with the law and the protection of our employees' rights.

The No Gossip Policy was introduced during an employee meeting on 9th August 2022. This policy aligns with the NLRB's rulings and adheres to their guidelines, which we take very seriously. We recognize the importance of allowing employees to discuss work-

related matters, including wages, benefits, and terms and conditions of employment, without interference or discouragement.

To maintain clarity and transparency, our policy clearly is not intended to discourage concerted activity or the discussion of working conditions. It provides specific examples of prohibited conduct, such as abusive and profane language towards another individual not present or in a negative light, to ensure that our employees understand the boundaries of respectful communication.

Additionally, the policy avoids overly broad or ambiguous language, as we understand that ambiguous rules can be construed against the employer. We have taken care to define permissible conduct clearly to encourage a safe and open workplace environment where employees feel comfortable discussing protected activities.

Please see the file labeled “No gossip letter.pdf”.

6. Produce the original documents, including the Word documents, Excel spreadsheets, Microsoft Teams Notes from which such PDF’s originated, with all metadata intact for the following documents you produced in response to the Acting Secretary’s First Requests for Production of Documents: Carson Allman – 4NOV2022 -Termination Letter; Terry Newborn – 4NOV22 Termination Letter; Christine Schreiber Russell Notes; Jim Hoover Russell Notes; Daily Workplace Inspections 1JUNE2022 – 17APR2023; American Tripoli Employee Handbook; Robert Baumann\_American Tripoli Position Offer Letter; and 13OCT2022- Carson Allman – Letter of Reprimand.

RESPONSE: We appreciate your follow-up request regarding the production of original documents, including Word documents, Excel spreadsheets, and Microsoft Teams Notes, along with all metadata intact, for the documents previously provided in response to the Acting Secretary's First Requests for Production of Documents.

As you are aware, we take your requests seriously and have been diligently working to ensure full compliance with your inquiry. It's important to clarify that the documents you have listed, including termination letters, notes, workplace inspections, our Employee Handbook, position offer letters, and letters of reprimand, were provided in PDF format as part of our initial responses.

Regrettably, the documents you requested were initially produced as PDFs, and they were not originally created as Word documents or Excel spreadsheets. Additionally, the information contained in our Microsoft Teams Notes is not stored in a format that allows for direct extraction as Word or Excel documents.

Given the nature of these documents and the format in which they were originally created, we trust that the provided PDFs accurately represent the content and intent of the materials requested. However, if you require any specific information or additional details related to these documents, we are more than willing to assist you in any way possible to address your needs.

7. Produce the training documents you allege were used to provide New Miner Training to Robert Baumann on July 5, 2022.

RESPONSE: In response to your request for the production of training documents related to the New Miner Training provided to Robert Baumann on July 5, 2022.

The New Miner Training for Robert Baumann on July 5, 2022, was documented by Bonnie Bainter, our Safety and Environmental Specialist at the time. Mrs. Bainter followed the established training protocols and utilized a variety of training materials and documents to ensure that Mr. Baumann received comprehensive training in compliance with the required subjects.

It is important to note that during the New Miner Training sessions, trainers like Mrs. Bainter often employ a range of training aids, presentations, and reference materials to cover the necessary topics thoroughly. These training aids and documents may include, but are not limited to, written materials, presentations, handouts, safety guidelines, and other instructional resources. All the training files the company maintains were submitted in the first response files.

Given the dynamic nature of the training process and the need to adapt to participants' questions and specific needs, it is challenging to identify and isolate specific training documents that were utilized during a particular training session. Each instructor may use their own resources that fits best for their class and attendees. Furthermore, our training records encompass a wide array of subjects, which are part of the standard curriculum for New Miner Training, the specific subjects required by MSHA.

While we maintain records of training sessions, including signed forms such as the MSHA 5000-23, we do have a specific set of documents that represents the materials that could have been used during Mr. Baumann's training session on July 5, 2022. The training process is dynamic and customized to address the unique circumstances and questions that may arise during each training session. We would not have a record of the specific questions Mr. Baumann may have asked during the training that may have directed Mrs. Bainter to utilize different training resources.

However, we would like to highlight that Mr. Baumann verified his completion of the documented training by signing the MSHA 5000-23 form, which attests to his acknowledgment of having received the training and his understanding of the subject matter covered during the session on 07/05/2022. This form is a standard practice in our

training procedures, ensuring that employees acknowledge their training and affirm their commitment to safety.

We want to assure you that our commitment to safety and training is unwavering, and we take all necessary steps to ensure that our training programs comply with MSHA regulations and provide our employees with the knowledge and skills required for their roles.

8. Produce documents reflecting the Paid Time Off or vacation leave Baumann had accrued as of April 17, 2023, and any documents reflecting any payments to Baumann for any such accrued Paid Time Off or vacation leave.

RESPONSE: Upon reviewing your request, we have noted that Request Number 8, which seeks "reflecting the Paid Time Off or vacation leave Baumann had accrued as of April 17, 2023", please see document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf."

9. To the extent you are making a financial hardship claim in this case, produce the following financial records for Respondent:

- a. Respondent's state and federal tax returns for the past three years.
- b. Any Tax Form K-1 for American Tripoli from the past three years.
- c. The balance sheets for Respondent, including year-end assets and liabilities of Respondent from the past three years.
- d. Income Statements, showing all revenue and expense items for Respondent from the last three years.
- e. Respondent's most recent auditor's report and footnotes, including details about the methods used to compile the accounting data.
- f. Any bankruptcy petition(s) filed by Respondent.

- g. Chart of the accounts, disbursements ledgers, journal entries, and general ledger, and accounting work papers for Respondent since June 2021.
- h. Documents showing any loans made to owners or managers of the company from Respondent from the past three years.
- i. Transfers of funds from Respondent to related companies or owners from the past three years.
- j. Transfers of funds from Respondent to any entity owned by any owner of Respondent from the past three years.

RESPONSE: In response to Request for Production No. 14 and in accordance with the financial hardship claim made in this case, please note that while American Tripoli is committed to providing the requested financial records, some records may not be immediately available, and the production timeline may vary depending on the complexity and availability of the documents. American Tripoli will make a good-faith effort to produce the requested financial records in a timely manner. If you have any further specific requests or need additional information, please feel free to contact us to facilitate the process.

- a. See attached submitted tax returns, labeled “MOSENECAMANUFACTURER LLC - 2021 tax returns.pdf, MOSENECAMANUFACTURER LLC - 2022 tax returns.pdf”
- b. N/A
- c. See attached, labeled “MOSENECAMANUFACTURER LLC - 2021 Balance Sheet.pdf, MOSENECAMANUFACTURER LLC - 2022 Balance Sheet.pdf, and MOSENECAMANUFACTURER LLC - 2023 Balance Sheet.pdf”
- d. See attached, labeled “MOSENECAMANUFACTURER LLC - 2021 Income Statement.pdf, MOSENECAMANUFACTURER LLC - 2022 Income Statement.pdf, MOSENECAMANUFACTURER LLC - 2023 Income Statement.pdf”
- e. N/A
- f. N/A
- g. See attached, labeled “9.g. Chart of Accounts.xlsx”

h. N/A

i. N/A

j. N/A

10. Produce an unredacted, complete copy of Russell Tidaback's Microsoft Teams' communications with Jim Hoover from April 17, 2023 through May 7, 2023.

RESPONSE: Please see the following chat:

April 17

4/17 10:51 AM

Changes made. Hopefully you like them.

Jim Hoover 4/17 12:36 PM



What you mean

4/17 12:53 PM

We are making a change... or have made a change.

Unfortunately, we had to let Rob go today. The data shows he wasn't meeting the daily quotas, or responding to John's suggestions and advice.

So... we are going to change how we operate.

When we get back to producing... probably Wednesday... We will have you run the control room.

YOU HAVE TO UNDERSTAND, the daily quota, per the production schedule is 42k lbs per day.

Some days it's 40k, some days 42k...

We cannot keep pushing production days back, and back, and back...

You won't have to do the computer work...

this will be for the Production Assistant...

The production assistant will be responsible for the administrative computer work. You will need to inform this person on how what was produced, how many bags produced, weights, etc. But this can be communicated via Teams.

or in person

each day

Jim Hoover 4/17 1:10 PM



Wait what are we talking about brother..

Jim Hoover 4/17 1:26 PM



So I'm guessing we are going to come to some sort of negotiation because from a year ago or even from June 15 two years ago I have learned more than you can imagine and worked with John on several projects and I know the mill office and I take maintenance to what needs fixed every time I know the flow of the product and will and can do anything in the mill that you ask and have so I want the mill running like it was a year ago and I know I can get those numbers without a doubt when John and I and RJ was running and I had John sit in the mill and had 20 pallets at lunch, it has been held back so we will need to talk before then, I am very confident and what can be produced at this mill.



Jim, you kill me sometimes with these conversations... I have to assume you are referencing a pay increase.

A promotion in pay should be when you have proven yourself in a certain position.

We gave you a promotion last time to do certain things... and you didnt do so well at all of the expected tasks.

Then we had to hire Rob. We didnt want to take pay away from you so we left you at the \$20 /hr.

Now, we are making changes to accomodate or address your short comings with leadership of people, organization, and lack of computer skills.

You wont be managing people. You wont be responsible for using the computer. You will only be responsible for daily production of product, per the production schedule.

Im not saying that you cannot get a pay increase BUT we need you to be successful in this newly assigned position for you to earn a pay increase.

lets give yourself 12 months in this position, successfully meeting the production calendar quotas, getting product successfully out the door, working with John and the rest of the team, again successfully... THEN we can talk about a pay increase.

Jim Hoover 4/17 5:58 PM



So this 12 months again with the mill production like the last time around it wasn't the problem me running the mill that was the problem brother and you know that and so do I also you didn't fill your side of the deal within 90 days like you said . I let that go because I knew you wouldn't hold up your side of the deal. I always bend over backwards to you and Jordan to help you guys and I. The very first meeting you told us we wouldn't go backwards and that is all that has happen accept the boots you have done that for us better but I just bought a different pair because the ones I got from red wings suck. you said we wouldn't go backwards and my pay has my insurance has nothing has went up my pay should of never went down period you have hired maintenance people after maintenance and then they watch me do there job and they are making more than I am for some reason I shouldn't be making less than what I was 2 years ago now for sure I have learned 10 times what I knew 2 years ago when you bought this company and what have I got for this like you said more I learn the better pay comes with learning I got the little mac air problem.fixed back to where it was after 8 maintenance guys look at it and still didn't fix it I run and go right to the problem everytime boss and do everything that you would expect me to do it as loyal to you guys as they come but damn. I know you don't have money coming in I understand that and you have a scroll not paid for but I go in and give my all to keep hour business going. you taking me out of control room and putting rob in there caused more problems than you realize and I'm sure there will be more to come from that with him. he wasn't going to push to get a high count for you and push the fuck to get caught up there were days he didn't have shit running until I saw something then I would go fix it and then go tell him .

Jim Hoover 4/17 6:06 PM



I have done the mill for a year and I can run it great no questions ask so I think the negotiation that you have just told me isn't correct at all considering the things I do for you and Jordan. im not mad or pissed boss but I do things you don't even know about to keep this place going because one I love my job and two I want this place to be here a whole long ass time after im done and gone you need Saturdays im there you need Sundays I would be there you known will do whatever it takes to get us caught up...

Jim Hoover 4/17 6:12 PM



I'm not arguing with you but we are going to talk about this brother because this isn't a one sided conversation and there why you and I talk and why we are a great team.. I'm not mad or pissed boss but you just assume the worst out of me u guess when we talk.. Rob fucked you over so many times but if I would of told you that you wouldn't of listen to me would you the next one to go needs to be Ronald he calls msha every freaking day and it's bullshit

Worthless

Jim Hoover 4/17 6:19 PM

Anyway I will let you be boss im.sure you are busy, but we need to discuss what you want from me since you just put someone else in there that shouldn't of been there in first place and never lifted a finger to go and find the problem or the solution to fix it.. Anyway I will let you go and we can talk later I have worked with John 7 months and everytime I have ran this mill when rob was gone I got better numbers and know the numbers you want are reachable that is if equipment holds up which I think will just need to get the motor and that would help ten fold

Talk to you later brother

4/17 6:59 PM

Yep, now out of all that. Prove yourself, and let's get things done.

April 19

Jim Hoover 4/19 8:48 PM

This is some shit boss

4/19 8:49 PM

Yes it is!

I am trying my best to get you guys back to work brother.

Jim Hoover 4/19 8:50 PM

If I would of told you this shit was going to happen would you of believed me

4/19 8:50 PM

no, because this should have never happened

what you guys don't see is that we requested an extension...

to resolve these issues when the citation was given to us.

we requested this the day of the citation.

Jim Hoover 4/19 8:51 PM

I'm talking as this whole bullshit mega

Msha

Someone that was making it worse

Is what im talking about

4/19 8:52 PM

as we knew it was going to take longer than a week to complete...

what? I don't know what you are referring to.

Jim Hoover 4/19 8:52 PM

Fueling the fire

4/19 8:52 PM

?

Jim Hoover 4/19 8:54 PM

Not getting numbers , licking main down instead of just locking tube mill out. you lock it down we don't run didn't have to lock mains down

Locking mains

4/19 8:54 PM

Are you referring to Rob?

Jim Hoover 4/19 8:54 PM

Yes

4/19 8:55 PM

yea I don't understand that who thing either...

to me, that was dumb on both Rob and the inspector...

there is a whole big case building on on this...

I've already got Senators involved and the heats coming...

they are fucking with your guys livelihood and that is wrong!

this is fucked up

I am fighting every single citation given...

I am doing everything I possibly can to get you guys back to work and us producing...

Jim Hoover 4/19 8:58 PM



Boss I was trying to tell you straight up months ago but you wouldn't of believed me but out of everyone there you should know my loyalty by now

4/19 8:59 PM

I've never questioned your loyalty Jim.

Jim Hoover 4/19 8:59 PM



The dust collector is firing like a mother fucker



Like awesome as fuck

I haven't heard it fire that good in long time

Every 24 seconds

4/19 8:59 PM

that's good... now we just need to get past this air sample

as we've discussed before... maintenance has been the problem... since day one!

Jim Hoover 4/19 9:00 PM



Donaldson every four seconds and little mac every five seconds.

We just need the big mac firing I think it needs a memory board

4/19 9:00 PM

MSHA just compounds the problem 10x but not working with us and being fucking dicks

Jim Hoover 4/19 9:01 PM



100% agree

4/19 9:01 PM

This Keith jackass... he gets his jolly off handing out citations....

this fucker is a snake. When he's around, you'd better watch what you say and do...

he is out to fuck you or anyone else he can

Jim Hoover 4/19 9:02 PM



That is bullshit and you tell me how rob test came back the worst and full of shit you know and I know that was done on purpose and he didn't ever get dirty

4/19 9:03 PM

I don't know what was up with Rob. Why was he disgruntled?

Jim Hoover 4/19 9:03 PM



I don't talk to him really msha guy





4/19 9:03 PM

I don't get it...

I talked to Rob repeatedly about having the doors and windows open and the exhaust fans on...

I don't understand why he just didn't do as he was told...

John and I had been discussing him and counseling him for months now...

Jim Hoover 4/19 9:06 PM



I will tell you this I have went around behind and have had to turn on green dust collector green air compressor he doesn't turn on in order and that is how shit has got tore up and im being dead serious

That's was a lot of the problem

4/19 9:06 PM

then we had a guy who was suppose to replace him... he was supposed to start Monday and the fucker didn't show up for the training or call or respond to calls... nothing.

I knew Rob was lacking... but didn't know it was that bad.

I don't like letting people go but at some point... you just gotta cut the cord

this is why I think the best thing to do is ha e you in the control room... possibly the 6am-230pm shift like we talked before...

Jim Hoover 4/19 9:08 PM



You can't start the flour elevator first thing man he was doing that I said rob it's going over the screens and screens aren't moving yet he said he was doing it that way I said well your going to fuck it up

4/19 9:09 PM

have a shift lead do all the shipment QC, time keeping, computer work etc...

good point about the flour elevator

that might be why the screens deteriorated so fast...

holding the weight of the cold material...

ripping the edge...

until the system heated up...

Jim Hoover 4/19 9:11 PM



There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take one hour and thirty minutes to clean out it takes 20 minutes period (FACT) .

That is correct

I would go up there and blow of that shit to get what we got

4/19 9:12 PM

Jim Hoover 4/19/2023, 9:11 PM

There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't

Yep, I agree. I believe Rob was just being lazy

We will fix this...

I believe we learn from each new person we go through there...

Jim Hoover 4/19 9:13 PM



I was fighting a battle that shouldn't of been there you know

4/19 9:13 PM

Jim Hoover 4/19/2023, 9:13 PM  
I was fighting a battle that shouldn't of been there you know  
I know now...

we are going to try things different now...

Jim Hoover 4/19 9:13 PM  
That's why I would take off running to top floor and unclog shit  
🔥 1  
Number one priority shit has to be hot

4/19 9:14 PM  
to get better you have to make mistakes and learn from them.

Jim Hoover 4/19/2023, 9:14 PM  
Number one priority shit has to be hot  
exactly

Jim Hoover 4/19 9:15 PM  
I told him a thousand times rob it has got to be hot if that yellow pipe  
is not hot you will have problems he didn't understand hot  
🔥 1  
I took Jeremy over to pipe said put hand on this you want to know the  
secret about Tripoli this is it, he said fuck that is hot as fuck I said that's  
the secret lol

4/19 9:17 PM  
I don't think he or anyone else (MSHA fuckers) are understanding that  
when it's hot, the material flows like water and doesn't create a lot of  
dust in the air.

Jim Hoover 4/19/2023, 9:16 PM  
I took Jeremy over to pipe said put hand on this you want to know  
the secret about Tripoli this is it, he said fuck that is hot as fuck I...  
yep... that is the secret!  
but we need to be efficient with the heat... we spend anywhere  
between \$8k - \$20k a month on natural gas for that heat.

Jim Hoover 4/19 9:18 PM  
That's the difference between rob and me he didn't understand the  
material or the flow of the product or what breaker fixed what and so  
on you know you got to know that to run the mill .

4/19 9:19 PM  
I don't think he was taking the time to learn it either...

Jim Hoover 4/19 9:19 PM  
Once it gets hot you back down to where the percent can be as low as  
60% and still hold best

4/19 9:19 PM  
I think he had the best intentions at first but something feel apart.  
What? I don't know.

Jim Hoover 4/19 9:19 PM  
Heat

4/19 9:19 PM  
Jim Hoover 4/19/2023, 9:19 PM  
Once it gets hot you back down to where the percent can be as  
low as 60% and still hold best  
yep, I agree.  
If we make it through this MSHA bullshit and get back to producing...  
part of our plans before it gets cold again is to enclose the classifier  
elevator etc outside...  
To retain the heat when it's cold outside...  
this winter was a bitch...

Jim Hoover - 4/19 9:21 PM

Jeremy is smart as hell to fixing shit and working on it for real I like the hell out of him we worked on dust collector today sharp he worked out on oil rigs where my brothers did but at different times

Boss I will be honest with you if you don't mind me saying

4/19 9:22 PM

That's cool. I like him too, I just hope he isn't a sprinter and can keep up the work ethic for the long haul

Jim Hoover - 4/19/2023, 9:22 PM

Boss I will be honest with you if you don't mind me saying

yes, this is a private chat, I always want you to be honest with me.

I may not do as you say or think that I should do but I do appreciate your input.

Jim Hoover - 4/19 9:24 PM

We never EVER took days off because cold its been below zero and the shit ran just fine we just have to have people get their earlier and tube mill running early to get hot

We have got to get the dry insulated this summer at some point

4/19 9:25 PM

I do not like to make decisions solely based on my opinions, I want feedback so I can make the best decision I can

Jim Hoover - 4/19/2023, 9:24 PM

We never EVER took days off because cold its been below zero and the shit ran just fine we just have to have people get their earlier...

I agree

Jim Hoover - 4/19/2023, 9:25 PM

We have got to get the dry insulated this summer at some point

I agree... the maintenance team and John are discussing it.

Jim Hoover - 4/19 9:29 PM

I promise you we do not need to shut down if its below 45 that's crazy talk the tube mill needs to be running everyday possible including Saturdays tell these orders are caught up my opinion just saying Sundays if need be but these customers have waited long enough damn brother 6 months who is going to wait 6 months from something to be delivered from Amazon NO ONE!! SO Let's get this shit out the door

❤️ 1

That's what I think about all this bullshit going on

🔥 1

Jim Hoover - 4/19 9:40 PM

Boss the palletizer I know you don't like it because old and all but less than a year ago I packed and put 140 bags a hour on myself that's why I know the numbers, also I will tell you this if we stack five highs on the palletizer two people would have to be down there and I would have to stop bagging because they couldn't keep up man couldn't keep up with the machine so I know 100 percent that is not the problem yes it's old but that bitch will run you just have to love on her you know

4/19 9:47 PM

its not that I dont like the palletizer... its just hard to get replacement parts for.

Jim Hoover - 4/19 9:49 PM

She will run if we take care of her

4/19 9:49 PM

Just like this motor... there were none available when ours went bad. There was one available but no gear...

Jim Hoover - 4/19 9:49 PM

Just like tube mill it will last as long as we take care of her you know



4/19 9:49 PM

I have found a couple but they are the 3HP and not the 5HP.

Jim Hoover 4/19/2023, 9:49 PM

Just like tube mill it will last as long as we take care of her you know

I know... the problem since we bought the company has been maintenance personnel.

plain and simple

Jim Hoover 4/19 9:50 PM

Jeff had one ordered but not sure where he had it ordered from

Correct

Motor for palletizer

4/19 9:51 PM

we have a good team now... we just need to get through the MSHA BS... understand WHY I tell you guys to do the shit on the board in the breakroom....doors and windows...

and get back to producing...

It isnt that we dont have Sales... we have plenty of sales....

we just cant seem to get a break on the production side,

Jim Hoover 4/19 9:52 PM

Oh I know we could have more if you open the flood gates

👍 1

4/19 9:52 PM

Common sense would tell you... no product going to the customers means no money coming in to replace equipment, parts, etc

Jim Hoover 4/19 9:52 PM

But producing is killing us and msha

I agree

4/19 9:52 PM

Jim Hoover 4/19/2023, 9:52 PM

Oh I know we could have more if you open the flood gates

OH YES WE COULD!!!

This is why we need to follow the instructions given... to make sure MSHA stays off our back

so we can produce...

Jim Hoover 4/19 9:54 PM

I know your philosophy I believe you that's why im still here

4/19 9:54 PM

but think about it... we have been through a lot of people this past year...

Jim Hoover 4/19 9:54 PM

To many

4/19 9:54 PM

you are our most experienced person...

you cant run the entire show off of one persons experience.

Jim Hoover 4/19 9:55 PM

I know I have learned that one loud and clear

4/19 9:55 PM

This is why its good that Patrick has hung around. John has hung around, Max...

we need RJ to stick around and work

Jim Hoover 4/19 9:55 PM  
 I was showing pat the control room 2 weeks ago and the flow of things  
 1

4/19 9:55 PM  
 we need Ronnell to mature some, grow up and hang around  
 We need Jessie to hang around and do his part...

Jim Hoover 4/19 9:56 PM  
 He needs to stop calling MSHA.

4/19 9:56 PM  
 EVERYONE needs to stop calling MSHA.


Jim Hoover 4/19 9:56 PM  
 No shit  
 Pisses me off

4/19 9:56 PM  
 I cannot terminate Ronnell just because he has called MSHA


Jim Hoover 4/19/2023, 9:56 PM  
 Pisses me off  
 Me too!

Jim Hoover 4/19 9:57 PM  
 I have been there along time and never have called them  
 1

4/19 9:57 PM  
 He will either get on board on he will get fired.  
 I know Ronnell is looking for work elsewhere...

Jim Hoover 4/19 9:58 PM  
 I will go for second one one  
 1

4/19 9:58 PM  
 I see his FB posts and even called him out on it.

Jim Hoover 4/19 9:58 PM  
 What you mean  
 LAZY LAZY LAZY BAD  
 1  
 I was wrapping ten highs today and he wouldn't even do that he thought to high I guess so I said I will do it if your worried about it

4/19 10:00 PM  
 he's such a pussy.

Jim Hoover 4/19 10:00 PM  
 I'm saying lazy he was in break room a lot

4/19 10:01 PM  
 Let john know... so John can counsel him and we can let him go

Jim Hoover 4/19 10:01 PM  
 I heard him say I wish dozer would get fixed

4/19 10:01 PM  
 He doesnt know it yet but we have a new quarry guy starting Monday...  
 Ronnells dozer days are pretty much done for a while

Jim Hoover 4/19 10:01 PM  
 I already did today he saw him in there eyes shut im pretty sure to me he is dead weight  
 Don't need him don't want him but I will make him or break him I will give him a chance and see if he can step up to plate  
 Like I always tell you I know who the next one will be brother



4/19 10:04 PM

Share with John your thoughts and what you see, in private of course.

I have no problem letting go dead weight.

Jim Hoover 4/19 10:05 PM



I always talk to John I really respect John damn good man

We talk in private a lot brother

4/19 10:05 PM

we just have to do the right process and the right thing. Counsel him and then let him go.

Jim Hoover 4/19/2023, 10:05 PM

I always talk to John I really respect John damn good man

I agree and that is good you guys talk.

Jim Hoover 4/19 10:05 PM



Our daughters are same age

4/19 10:06 PM

I didnt know that.

Jim Hoover 4/19 10:06 PM



He calls his daughter Button lol



Boss im telling you if that palletizer was going and msha wasn't on our ass being dicks I would gamble and say the equipment is at point when we would be running over 60K or better I haven't been able to talk to you but after I got the little mac suction going it takes longer that fuck to get the socks to fill-up on flour elevator

4/19 10:11 PM

yep, we will get there.

Jim Hoover 4/19 10:11 PM



I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact it is doable

4/19 10:12 PM

I too believe that we will start doing really well once we get past this MSHA BS. This shit has been going on with them since January...

Jim Hoover 4/19/2023, 10:11 PM

I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know f...

That was the deciding factor for John and I to terminate Rob.

Jim Hoover 4/19 10:12 PM



Yes it's costing me money and I don't like that

4/19 10:13 PM

Yes, it is! It really is...

Jim Hoover 4/19 10:14 PM



Oh shit my bad doesn't mean for him to look bad I just ran it like I do there is no other way to run it accept full throttle

I didnt mean to make him look bad I mean

4/19 10:14 PM

Nope... John and I were discussing Robs issues a long time ago... we just didnt know how to approach it.

You just put the icing on the cake.

Jim Hoover 4/19 10:15 PM



Oh shit

4/19 10:15 PM

It had nothing to do with you.

We knew there needed to be change but wanted to give the guy an opportunity to fix the issues we were seeing.

He didnt make improvement and... got terminated,

Jim Hoover 4/19 10:16 PM

I mean I had to tell him to put rock in to charge tube mill it was below 50 I said damn man we got to charge this

4/19 10:16 PM

yep, thats why he is no longer with us.

Tomorrow is a new day

Jim Hoover 4/19 10:17 PM

Yes sir

So are we going to do Saturdays or what's your game plan after this horse shit with msha when can we start running production

Jim Hoover 4/19 10:26 PM

Tomorrow is a new day also attitude is 95% of how your day is going to turn out good or bad, have good attitude have great day have bad attitude have bad day try learning something new everyday challenge yourself and things will be okay I have learned one day at a time brother

Sometimes hour by hour lol

4/19 10:26 PM

So... for the next two days we are only allowed to run to make repairs and adjustments to the filtration systems and the engineering controls (windows, doors and exhaust fan)

We will run as normal, get the system hot, produce and bag as instructed by Jessie and John.

Jim Hoover 4/19 10:27 PM

Good or bad we are in it together so let's just get this shit done and go sit on the beach

Sounds good to me

4/19 10:28 PM

We will need to stop the feed at noon, let maintenance do their checks, adjustments, and any repairs needed. Then we will start the feed again and produce until 3:30 as normal, shut down, let maintenance do their checks, adjustments, and any repairs needed.

and repeat Friday.

Jim Hoover 4/19 10:31 PM

Okay wait a second I was told we are doing a whole lot of cleaning tmrw so we are running from 8-12 then let them do there things then run tell 3:30 ?

4/19 10:31 PM

just follow Johns guidance tomorrow.

Jim Hoover 4/19 10:31 PM

Okay

So did you get assholes to let us take locks off yet

Msha I mean lol

4/19 10:32 PM

tomorrow morning...

Jim Hoover 4/19 10:32 PM

Good deal

So hopefully they will be there at 7:30

So msha said the control room doesn't have to have one of the new breathing things on when MSHA called Jessie this morning I had him ass them that and they said we didn't have to have on in mill control room break room or bathroom

Ask lol

4/19 10:37 PM

no, its based on position not people... so the bagger, palletizer and forklift driver...

dumb I know.

Jim Hoover 4/19 10:40 PM

Keith said the bagger would never pass one I call bullshit on that I have been studying that out if we put a bigger fan up where it would blow from the east to west up high blowing at angle down the bagger person would not get any of the dust because we get a little bit so if we could do that I think that would be a game changer for that spot you know

4/19 10:40 PM

Keith is a jackass...

Jim Hoover 4/19 10:40 PM

That is what rob said Keith said he didn't tell me that because I would of said bullshit to him

👍 1

4/19 10:40 PM

I personally... would just stay away from that guy. Intentionally, stay away

Jim Hoover 4/19 10:41 PM

Oh I know he thinks he is something

He has rob in back pocket

👍 1

Jim Hoover 4/19 10:48 PM

Well brother im going to get off here. I will talk to you tmrw brother at some point. Hopefully goes good tmrw. we need to get like 20 more double stacked pallets wrapped they were doing a pallet at a time not picking up the double stacked and setting up there to wrap. I said what are you doing pick the shit up and go guys come on.. They are afraid they will fall I said that is why when you double stack you make them straight and on top of each other perfect so you can double stack and wrap them together..


👍 1

Also did you see the picture on mill group chat in the green dust collector I put in there

4/19 10:49 PM



Jim Hoover 4/19 10:50 PM



👍 1

4/19 10:50 PM  
I dont know what that is.

Jim Hoover 4/19 10:51 PM

Those bars running across there with the holes facing down into the socks

That's the bars on side that hold them up they are all rusted out bad and one of those bars falls out of the slots

4/19 10:52 PM Edited  
You'll need to show Ryan/Jeremy

Jim Hoover 4/19 10:53 PM

Jeremy and I were discussing it today when we were up there

👍 1

I just wanted you to be aware of it to put your thinking cap on about what you think you would want to do with it if that is replaceable at some point

I'm sure Jeremy can design something he is pretty awesome at that shit he is by far better than anyone you have had in past as far as hands on and getting shit done ten fold

April 20

4/20 7:29 PM  
Better day?

April 28

Jim Hoover 4/28 8:49 AM

We are rolling

👍 1

4/28 8:50 AM  
Hey hey brother... let's do good things okay. Have a good day

Jim Hoover 4/28 8:50 AM

No dust either

👍 1

We will boss

👍 1

I gotcha you

4/28 8:51 AM  
We need you to make that place rock and roll. I need the justification since Robs complained to MSHA about being let go...

just need you to put the cherry on the cake that's all.

Jim Hoover 4/28 8:58 AM

Alright I will do my best we are rocking I haven't shut feed off yet and socks are still down so that's good

👍 1

4/28 8:59 AM  
RJ & Patrick bagging?



Jim Hoover 4/28 9:01 AM



Yes sir



4/28 9:02 AM

pretty steady?

Jim Hoover 4/28 9:02 AM



Yes sir



Im going to put load of rock in Saturday or Sunday going to have Rj jhelp me

Also still feeding socks still down whoop whoop

Jim Hoover 4/28 10:09 AM



8 ,000 pounds first hour



Jim Hoover 4/28 12:26 PM



On pallet 15



4/28 12:56 PM

Make sure to share this info in the Mill Group Chat.

Keep your and I chat as personal private.

Jim Hoover 4/28 1:38 PM



Ok

Jim Hoover 4/28 10:10 PM



Hey Brother how was your day

4/28 10:10 PM

Good and you?



Jim Hoover 4/28 10:11 PM



Oh well , not to bad

I think you will be happy with the number we got for today

4/28 10:12 PM

I heard... 52k lbs. Fucking ridiculous!!!!

Jim Hoover 4/28 10:12 PM



No we got 56

28 pallets

4/28 10:13 PM

Oh shit. that's awesome!

Jim Hoover 4/28 10:13 PM  
Not to bad, ran like gravy

4/28 10:14 PM  
That's awesome. You feel good about that.

Jim Hoover 4/28 10:15 PM  
Not one over flow or anything  
👍 1  
Oh well we could of done a couple things different . but first day we for sure are moving in right direction

4/28 10:17 PM  
Like what?

Jim Hoover 4/28 10:21 PM  
we just need another body out there because I packed 99% of the bags and ran the mill but I temped out a couple of times when I was bagging it kicked out, but the other person would be labeling and wrapping because they didn't get labeled or wrapped yet  
But I'm not complaining for first day they did pretty good.

4/28 10:22 PM  
I agree. Hopefully by next week. 2 peeps applied today so that's good...

Jim Hoover 4/28 10:23 PM  
For sure , John helped out a lot and so did Jeremy

4/28 10:23 PM  
that's good.

Jim Hoover 4/28 10:27 PM  
Jeremy stacked for me , he went over to yellow air pipe and felt pipe and goes damn . I said now you know secret to tripoli now .  
👍 1  
He couldn't believe the difference in flow  
👍 1

4/28 10:28 PM  
yep...gotta be hot to flow

Jim Hoover 4/28 10:28 PM  
He is damn good maint.  
👍 1  
Ryan I think is great in his own way  
👍 1  
As well


4/28 10:29 PM  
Me too. He's just quiet

Jim Hoover 4/28 10:29 PM  
He is more electronic and Jeremy more hands on get shit done  
👍 1  
Well maybe at first lol  
We would of Dust test today boss  
100% for sure  
The environmental lady came by did you hear about this


4/28 10:33 PM  
Yep from what I understand she was very pleased as well

Jim Hoover 4/28 10:33 PM  
Yes sir


4/28 10:34 PM  
Jim Hoover 4/28/2023, 10:31 PM  
We would of Dust test today boss  
all good, leta just repeat that one Monday

Jim Hoover 4/28 10:36 PM  
 We would of passed the Dust Test I mean . For sure will do as well or better


4/28 10:36 PM  
 Yep, we will get it monday

Jim Hoover 4/28 10:37 PM  
 The low bin light didnt come on one time before noon .



4/28 10:37 PM  
 Hmmm...

Jim Hoover 4/28 10:41 PM  
 Boss have good evening just wanted you to have some positive things from here I'm sure it has been awhile you know . also just wanted to thank you and Jordan for the paychecks im sure you haven't heard that in awhile but appreciate you guys hanging in there for me but us as a team .


4/28 10:41 PM  
 Brother, it's been tough. But we will get better  
 have a good night

Jim Hoover 4/28 10:47 PM  
 Thank goodness you two are tougher than the situation you know .


4/28 10:48 PM  
 I'm glad you think so. I dont do failure very well...

Jim Hoover 4/28 10:53 PM  
 I have noticed that lol ... As Im not a person that gives up and just quits when times get rough  
 1

May 1


Jim Hoover 5/1 5:07 AM  
 Hey I can text you private brother it's locked on adm: Side and mill side under mine anyway


5/1 6:28 AM  
 Did you call John?

Jim Hoover 5/1 6:04 PM  
 Hey Brother

5/1 6:33 PM  
 What's up


May 2

Jim Hoover 5/2 9:12 AM  
 Hanger Bering out on scroll bringing all the dust collector product in saw when doing walk thru this morning Jeremy is fixing it now . we have product coming out of finish pipe on outside from fourth floor socks one must have hole in it but blowing product out of it .

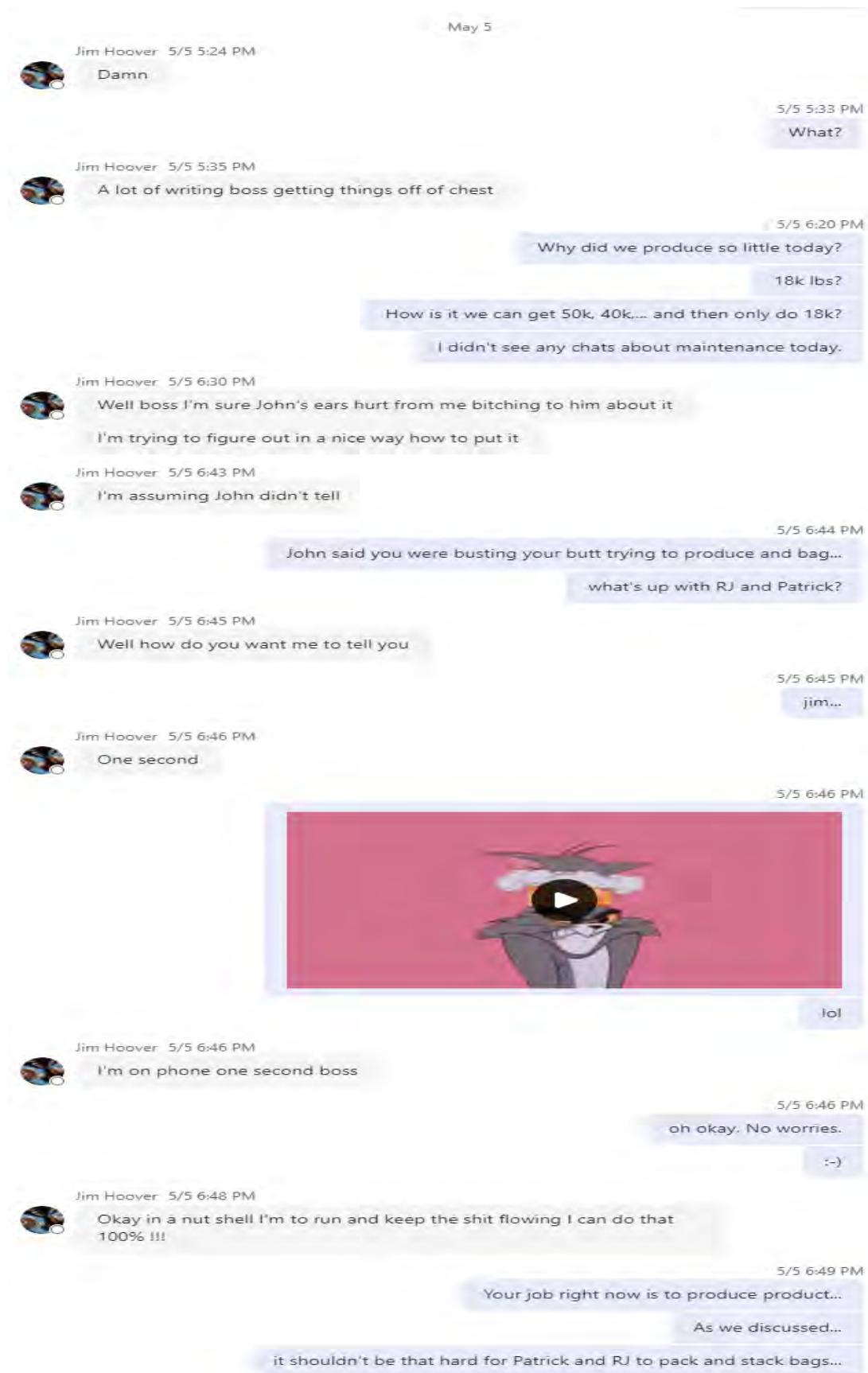
Jim Hoover 5/2 6:16 PM  
 Hey  
 Where is it to where I can text you private

5/2 7:30 PM  
 This is private, Just me and you.

May 3

Jim Hoover 5/3 8:52 PM  
 Hey boss

5/3 10:16 PM  
 What's up





Jim Hoover 5/5 6:49 PM  
 What I have a problem doing is I haven't to do the control room , then I go and pack bags , then I go hand stack then I go wrap the fucking pallets  
 I can't be in four places at once

5/5 6:49 PM  
 that's exactly what John said...

Jim Hoover 5/5 6:49 PM  
 I'm not cussing at you  
 1

5/5 6:50 PM  
 you can't do it all

Jim Hoover 5/5/2023 6:49 PM  
 I'm not cussing at you  
 I know. I'm not taking it that way.

Jim Hoover 5/5 6:50 PM  
 But I know boss but if you need a number it's my job to make sure it's done

5/5 6:50 PM  
 I'm upset with RJ and Patrick

Jim Hoover 5/5 6:50 PM  
 You don't know how pissed I am

5/5 6:50 PM  
 Jim Hoover 5/5/2023, 6:50 PM  
 But I know boss but if you need a number it's my job to make sure it's done  
 yep and I'm not faulting you.  
 I just don't understand...

Jim Hoover 5/5 6:51 PM  
 At 3oclock I shut it off  
 1

5/5 6:51 PM  
 what's up with these two guys...  
 I don't understand...

Jim Hoover 5/5 6:53 PM  
 Because I was wasting your money by running product then going out and bagging 4 bags then running around over there and stacking them so I said fuck it and I went and staged SO-323 A,B they are ready and weighed

5/5 6:53 PM  
 I guess we're are going to have to hire some contractors...

Jim Hoover 5/5 6:54 PM  
 They were pissed about there hours

5/5 6:54 PM  
 if RJ and Patrick pull this BS Monday, they are done.  
 what about their hours?

Jim Hoover 5/5 6:54 PM  
 John had a talk with them I think

5/5 6:54 PM  
 they were offered to work this weekend and turned it down.

Jim Hoover 5/5 6:54 PM  
 I was staging the orders

5/5 6:55 PM  
I can't help people who don't want to help themselves

Jim Hoover 5/5 6:55 PM  
And I'm going to work tmrw

5/5 6:55 PM  
you can't go in by yourself

Jim Hoover 5/5 6:56 PM  
I have got to get some room people fucking run into pallets some how  
fn stupid  
I know that boss  
👍 1  
You think I'm new hire lol  
👍 1

5/5 6:56 PM  
Make sure you work it out with John

Jim Hoover 5/5 6:57 PM  
I already told him I will call him later I was pissed

5/5 6:57 PM  
PLUS... gotta wear that fing mask

Jim Hoover 5/5 6:57 PM  
Only if we are running  
No machine is running

5/5 6:57 PM  
oh that's right...  
you are right.

Jim Hoover 5/5 6:57 PM  
I think John and myself could run more by ourself

5/5 6:58 PM  
I agree  
I don't understand what up with Patrick. Do you?

Jim Hoover 5/5 6:59 PM  
I get it they are tired of stacking I get it but they go to break lunch or  
whatever and they watch me go in control room keep in running go  
and put bags on them go stack them and move them with fork truck so  
tell me what the fuck is wrong with this picture brother  
I'm 50 and out work these two figure this one out

5/5 7:00 PM  
Yeah I don't understand where the laziness comes in...

Jim Hoover 5/5 7:00 PM  
In a nut shell that is why we only got 18 John wasn't there to help me  
with the control room  
But also I kept on having to go in control room because the product  
was damp or was different than normal and temperature dropped fast  
as shit you know  
Not making excuses for this just telling you

5/5 7:03 PM  
oh yeah I understand...  
I just don't understand wtf is up with these two guys...  
we have the palletizer motor on order...

Jim Hoover 5/5 7:04 PM  
I know my job is to produce what you need me to do but am I to tell  
them to speed the fuck up or what I know what you ask of me as to  
keep the shit going if I just do that it will be on the floor  
👍 1

Jim Hoover 5/5 7:04 PM

I know my job is to produce what you need me to do but am I to tell them to speed the fuck up or what I know what you ask of me as to keep the shit going if I just do that it will be on the floor

👍 1

5/5 7:04 PM

we can make them ship it any fmg faster...

you are doing fine... just keeping working with John...

Patrick and rjs days are probably done.

if they don't want to work then we will just get rid of them.

I told John to have a talk with all the guys...

on Monday morning

Jim Hoover 5/5 7:06 PM

Good deal...

5/5 7:06 PM

it's everyone's responsibility to ensure product gets produced and out the door...

if this doesn't happen everyone's job is in jeopardy.

too simple

Edited

we will replace those that don't want to work with the rest of the team

Jim Hoover 5/5 7:07 PM

I know without a shadow of doubt we can produce more than 50 thousand

👍 1

If we can just hang in there tell that motor

5/5 7:07 PM

I believe we can too... just need the right people with the right attitudes

the motor or palletizer shouldn't be the crutch...

I'm sure the motor will be delivered next Thursday, I believe

Jim Hoover 5/5 7:10 PM

I think there is other issues going on also

5/5 7:10 PM

What issues?

Jim Hoover 5/5 7:10 PM

If it was Rj and myself it's good

If it's pat and myself it's good

5/5 7:10 PM

??

RJ and Pat don't get along?

Jim Hoover 5/5 7:11 PM

But it's like those two together it's like pat and Landry if you get what I'm saying

Yes they get along to good



5/5 7:11 PM

??


Jim Hoover 5/5 7:11 PM

It's like if me and you are working we get shit done right


👍 1

Jim Hoover 5/5 7:11 PM  
 It's like if me and you are working we get shit done right  
 1

5/5 7:12 PM  
 who's making who lazy?  
 who's the bad seed?



Jim Hoover 5/5 7:13 PM  
 No grab assing just work right that is not the way it is if they are together

5/5 7:13 PM  
 or should i ask... who's next jim?  
 lol  
 50 - 50 guess or???


Jim Hoover 5/5 7:14 PM  
 That's funny shit  
 Well I will say this I could tell you that

5/5 7:15 PM  
 but...???

what's your guess?

Jim Hoover 5/5 7:15 PM  
 It's no guess  
 1

5/5 7:16 PM  
 I gotta run here in a few minutes...  
 who do you think "is next"?


Jim Hoover 5/5 7:18 PM  
 But If I tell you something you can not do anything about it , also you don't pay me enough to put up with this bullshit that happen I will talk to you in a bit boss text me when you are done  
 I'm serious  
 Text me later okay

5/5 7:19 PM  
 Tell me now... I'll be out for a couple of hours... probably after midnight.  
 You've got my attention... what's up?  
 jim???

Playing games huh???

unprofessional...

you don't end a conversation that way



May 6

5/6 12:24 AM  
 So???



5/6 9:21 AM



May 7

Jim Hoover 5/7 1:31 PM



Hey sorry boss

5/7 1:32 PM

lol...slacker. 🤔

Jim Hoover 5/7 1:32 PM



I will take care of the situation brother

5/7 1:32 PM

How was your weekend?

What was/is the situation?

Jim Hoover 5/7 1:36 PM



Oh same as always doing some things with Kennedy she walked up to me Saturday morning and gave me this

5/7 1:36 PM

So cute!

Girls will always love their dad!

Jim Hoover 5/5/2023, 7:18 PM

But if I tell you something you can not do anything about it , also you don't pay me enough to put up with this bullshit that happen...

Jim Hoover 5/5/2023, 7:10 PM

I think there is other issues going on also

What issues are you referencing?



Jim Hoover 5/7 1:40 PM

And this with a bracelet it was good I never think I'm doing enough for her that's for her we go on long walks in evening I got that good advice from you and Jordan and you don't think I listen to you



Well the Friday thing that was a problem

5/7 1:41 PM

just like planting a seed. If you take care of it while its young then it will grow bountiful.

the time you spend with her now, will pay off in the long run.

sometimes its hard to see but the simple things matter the most.

TIME/memories is more important than any object that can be bought.



Jim Hoover 5/7 1:43 PM

Pat is going thru some shit not good but we had a talk Saturday I can't go into detail because I just can't it wouldn't be a good thing but he surprised me after the fact of what happen but long story short I will nip it in the bud



True story

Boss this Msha thing can I speak to you freely without you thinking I'm on there side because I'm not I always tell you what I hear

Those other guys think I'm a company man , if you want to call me that for doing what I do then I guess I am but I know that you ask of me to get a certain number and I know how to do that and she happens and I'm pushing them to get there ass in gear and I'm going out there and packing bagging and hand stacking and fork trucking pallets because I know if I don't go out and do that it will over flow that's how I run it I don't shut it off tell it can't handle no more you know but the shit is hot and I can't touch the yellow pipe you know

5/7 1:57 PM

Its not necessarily a MSHA thing or a "company man" thing...

hear me out...

Do you remember me talking with you a long time ago about Robs general negative attitude about everything?



Jim Hoover 5/7 1:58 PM

I didn't read the book on it rob telling them something and it not being true brother

Oh I know

You didn't have to tell me I worked with him

Or around him more less

5/7 1:59 PM

Well, IMO, this attitude bled over to RJ and I do believe Carson and Terry... then Patrick, and probably Gage too

John and I both spoke to Rob about it many times...



Jim Hoover 5/7 2:00 PM

I had to go behind and fix shit

5/7 2:00 PM

he wanted to blame you guys all the time about not being able to get things done

stupid things like... cleaning the bathroom.

He lacked leadership skills



Jim Hoover 5/7 2:01 PM

I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer

Jim Hoover 5/7 2:01 PM

I didn't know you all did. I was trying to stay in my lane but I didn't want to be down longer.

I agree

5/7 2:01 PM

I told him he needed to get use to reading online books

he told me he didnt like reading online

he was advised to take some leadership classes online...

I gave him plenty of resources to read about.... plenty of free classes

Jim Hoover 5/7 2:02 PM

Oh wow

5/7 2:02 PM

Then the whole MSHA thing in February...

Jim Hoover 5/7 2:02 PM

Oh he fucked us over on that deal sorry for cussing

5/7 2:03 PM

thats when Rob started to really buck back against what John was telling him to do

Jim Hoover 5/7/2023, 2:02 PM

Oh he fucked us over on that deal sorry for cussing

Oh I know...

again... we had to prioritize things...

Jim Hoover 5/7 2:03 PM

He was yelling at john alot screaming

5/7 2:03 PM

we were constantly looking at how to replace him

Alex was being trained to replace Rob...

then Alex quit

Jim Hoover 5/7 2:04 PM

Wow

5/7 2:04 PM

We thought Kensley could...maybe... but she didnt work out either...

so, then we hired this last guy... what a f-ing hassle

We have requested MSHA to give us an exception to policy and let us fall under the Part 46 training requirements...

that way we would just have to provide 4 hours of initial safety training and then have the guy start working...

this way if he/she decided it wasnt for them we werent out the 3 days paid training AND the \$250 - \$400 instructor expense for EACH new hire.

MSHA is f-ing choking us out...

Rob's issues go way back, even before starting days...

Christine wanted to replace him...

Jeff didnt like him

Jessie didnt either...

Carson thought Rob was lazy

Jim Hoover 5/7 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother



5/7 2:09 PM

Rob's problem was he didn't want to take the advice of anyone else and thought he knew it all.

Jim Hoover 5/7/2023, 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

Oh I know...

and now...

that he has made a friend at MSHA... Keith... Robs a fool to think Keith is his friend.

Im just glad Rob is gone. That was a longggg time coming.

Jim Hoover 5/7 2:12 PM



Rob didn't know a thing .... My opinion he would always come and ask me what to do or how to fix it I really wanted him to burn after the third day there when he started he told my guys I didn't know anything , and then he comes and ask me shit 2 seconds later I just blew it off

5/7 2:12 PM

August of last year. Christine was telling me we need to replace Rob.

Jim Hoover 5/7 2:13 PM



I could of told you boss but you wouldnt of believed me

5/7 2:13 PM

Jim Hoover 5/7/2023, 2:12 PM

Rob didn't know a thing .... My opinion he would always come and ask me what to do or how to fix it I really wanted him to burn after...

yea, he was full of himself, I could see it back when we were having screen problems...

Jim Hoover 5/7/2023, 2:13 PM

I could of told you boss but you wouldnt of believed me

Its not that... its there are a lot of other pieces moving behind the scenes too

Jim Hoover 5/7 2:14 PM



I see these people come and go brother

Everyone of them

5/7 2:14 PM

See, im having to now fight MSHA because Rob thinks he was discriminated against

Jim Hoover 5/7 2:14 PM



I can tell you in the first 2 days if they will make it because of all the hear say bullshit



5/7 2:15 PM

I just dont understand why they cant just do what they are asked to do...

Jim Hoover 5/7 2:15 PM



Well probably are to lazy mother fuckers I can't stand shit like that



Loi

Do you want to know what he told me

5/7 2:16 PM

I just hope Patrick and RJ arent too infected by his BS

Jim Hoover 5/7/2023, 2:16 PM

Do you want to know what he told me

whats that?

Jim Hoover 5/7 2:17 PM



That you wanted to fire me long ass time ago then when Sara was here he told me again



That you told him this

5/7 2:17 PM

Jim Hoover 5/7/2023, 2:17 PM  
That you wanted to fire me long ass time ago then when Sara was here he told me again

uh, no Rob and I were never that close...

Jim Hoover 5/7 2:17 PM

I said well it's his company to do with what he feels will help the company

I didn't lose any sleep over it brother

5/7 2:18 PM

I have only mentioned letting you go when you were having feet problem and not showing up to work as scheduled.

As ive told you before, its not personal

Jim Hoover 5/7 2:18 PM

I know I got a new pair of boots by the way lol

Alot better now.

5/7 2:19 PM

I like you. or we wouldnt be chatting like we do...

Jim Hoover 5/7 2:19 PM

I know

5/7 2:19 PM

Jim Hoover 5/7/2023, 2:18 PM  
I know I got a new pair of boots by the way lol about time.

did you get to see a foot Dr?

Jim Hoover 5/7 2:19 PM

Wolverines

👍 1

I went to Dr. Just the one in Seneca

👍 1

5/7 2:19 PM

Hey if thats what you like... then thats your decision

Jim Hoover 5/7 2:20 PM

Witch doctor

👍 1

5/7 2:20 PM

Gotta take care of those feet.

Jim Hoover 5/7 2:20 PM

That's why the young guys can't keep up with me boss

She gave me witch med.

👍 1

5/7 2:21 PM

the younger guys just didnt have a good upbringing in my opinion... the work ethic isnt there for most of them.

Jim Hoover 5/7 2:21 PM

I feel no pain

❤️ 1

That's a fucking fact AMEN AMEN AMEN PREACH IT

👍 1

5/7 2:22 PM

So...

Jim Hoover 5/7 2:22 PM  
 so what are we looking at how far down

5/7 2:22 PM  
 Dude... we are REALLY behind...

Jim Hoover 5/7 2:22 PM  
 4 months

5/7 2:23 PM  
 no, more like 5 1/2 months behind

Jim Hoover 5/7 2:23 PM  
 Is that about right

Oh shit 6months half a year

5/7 2:23 PM  
 put in an order today and it gets scheduled for mid-september

yep, pretty much

AND that is with NO SALESMEN!

Jim Hoover 5/7 2:24 PM  
 We were only down 4 when I was in mill we were catching up

5/7 2:24 PM  
 just repeat business

Jim Hoover 5/7 2:24 PM  
 That won't work

5/7 2:24 PM  
 Jim Hoover 5/7/2023, 2:24 PM  
 We were only down 4 when I was in mill we were catching up  
 we will get there....

Jim Hoover 5/7 2:24 PM  
 Yes, we will

5/7 2:24 PM  
 it takes time... now, just as before, we need people to stay and just work...

thats it.

We have to keep MSHA off our back....

keep the maintenance team happy

keep production pumping.... EVEN when we are tired,

I want to replace the palletizer...with a robotic one but we have to catch up...

the schedule is FULL everyday

we can have these half-ass days....

each day, the minimum is 40k lbs.... per the sales orders....

that is what we have scheduled for...

just 40k lbs

Jim Hoover 5/7 2:27 PM  
 Boss I have done 140 a hour on palletizer find the parts and I will make it run , 100 run great on it swear

5/7 2:27 PM  
 if we do 50k, hey thats great

The palletizer motor will be here this week.

Jim Hoover 5/7 2:27 PM  
We don't have all pieces it though

5/7 2:27 PM  
the guys just need to know and take care of it when it is working...

Jim Hoover 5/7 2:27 PM  
For it though

5/7 2:28 PM  
you talking about the gear?

Jim Hoover 5/7 2:28 PM  
Yes and break

5/7 2:28 PM  
this isnt just any motor... its the same one that came off of it...

Jim Hoover 5/7 2:28 PM  
And another piece I heard

5/7 2:28 PM  
there is only one like it being sold...  
the palletizer is old  
thats why it took so long to get...  
the old one we have at CEMCO is/has been rebuilt

Jim Hoover 5/7 2:29 PM  
I know but john said there is parts on the other one up there that he needs for the motor

5/7 2:29 PM  
we are working with CEMCO to get the gear...  
the gear isnt the problem... its the motor  
the motor manufacturer has an 18-month backlog...

Jim Hoover 5/7 2:30 PM  
Okay awesome when that things gets going that will be a game changer

5/7 2:30 PM  
the factory rep says he has 6,000+ motors that he is being told not to expect delivery until 2025-26  
thats a lot of machines not running... and thats across the US

Jim Hoover 5/7 2:31 PM  
The guys will be much happier and less bitchy they tell me I'm working them like niggars I said I have to make up for robs lack of effort

5/7 2:31 PM  
stacking 5 highs... really?

Jim Hoover 5/7 2:32 PM  
They said that N word not me lol

5/7 2:32 PM  
thats not that damn hard...  
I mean come on...

Jim Hoover 5/7 2:32 PM  
I know right..  
I forgot to tell you something  
So you know how I do my calculations on the packer

5/7 2:33 PM

I also want to have a framer come in and give us a quote to frame and drywall off the production floor from the rest of the area so we can eliminate the air quality BS

Jim Hoover 5/7/2023, 2:32 PM  
I forgot to tell you something

whats that?

Jim Hoover 5/7 2:33 PM



I heard you telling john something how many bags we are doing time wise

Well so I timed it thru the day several times and I'm packing 3 bags in one minute 7 seconds



So not bad I think you had us only doing 2 bags a minute I think



5/7 2:35 PM

OGX, DGX, AFX, PremiumX, TrifilX:  
50 bags per hour production

Microgrades (X45 - X30):  
20 bags per hour production

Microgrades (X15 - X10):  
10 bags per hour production

Bulk bags:  
6 bulk bags per hour

Jim Hoover 5/7 2:35 PM



Plus socks are taking long ass time to feel up now



5/7 2:35 PM

thats good

Jim Hoover 5/7 2:36 PM



Which is good on elevator

5/7 2:36 PM

fixing the air leaks i think solved a lot of issues.

Jim Hoover 5/7 2:36 PM



Yes sir

So I think I got this insurance thing called AmBetter have you heard of it

5/7 2:38 PM

? no

Jim Hoover 5/7 2:38 PM



Which will pay for my insurance and Kennedy insurance so I won't have to carry it thru work



5/7 2:39 PM

If its cheaper... then by all means go for it.

Jim Hoover 5/7 2:39 PM



It's something you told me to look into so I did boss

5/7 2:39 PM

thats good.

Jim Hoover 5/7 2:40 PM



Just another example of me LISTENING to the man

Lol



5/7 2:40 PM

IMO, since the OBAMAcare BS... where the government requires you to have health insurance...

its sometimes better to get your own plan than it is through a company.

Jim Hoover 5/7 2:41 PM



God gave me two ears to listen more and one mouth to talk less



That's how I take it anyway

5/7 2:41 PM

let us know your premiums... so we can share with the rest of the guys....

Jim Hoover 5/7/2023, 2:41 PM

God gave me two ears to listen more and one mouth to talk less

only if we all took this advice more often...

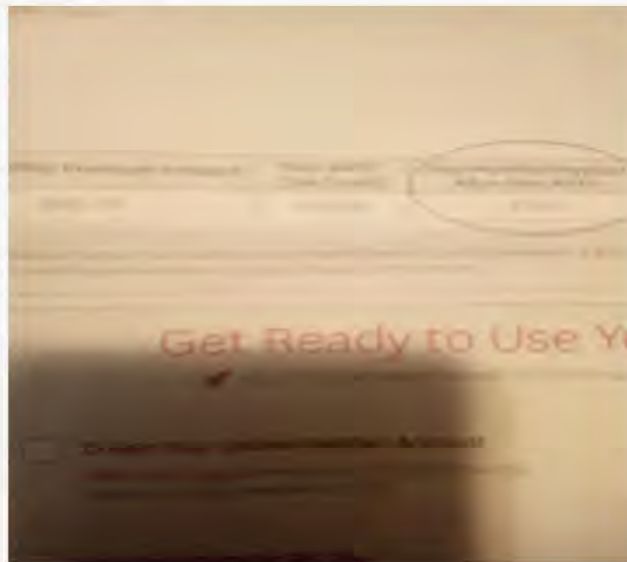
me too

Russell Tidaback 5/7/2023, 2:41 PM

let us know your premiums... so we can share with the rest of the guys....

if they can get cheaper rates then we should cancel the company plan.

Jim Hoover 5/7 2:43 PM



5/7 2:44 PM

as a company, we have to jump through hoops for insurance, that you dont as an individual.

Jim Hoover 5/7 2:44 PM



I hate that

I have another paper I'm looking for for you to see

5/7 2:45 PM

that looks like it \$900 monthly but at the end of the year they give you a tax credit..

Jim Hoover 5/7 2:45 PM



Max out of pocket is 1,700 I think

deductable?

I know she spent a lot of hours trying to find and negotiate the cheapest costs to you guys on the medical plans offered.

Specialist is 10 dollars  
RX(Generic/Brand ) 0/15

Jim Hoover 5/7/2023, 2:49 PM  
ER 25%

 1

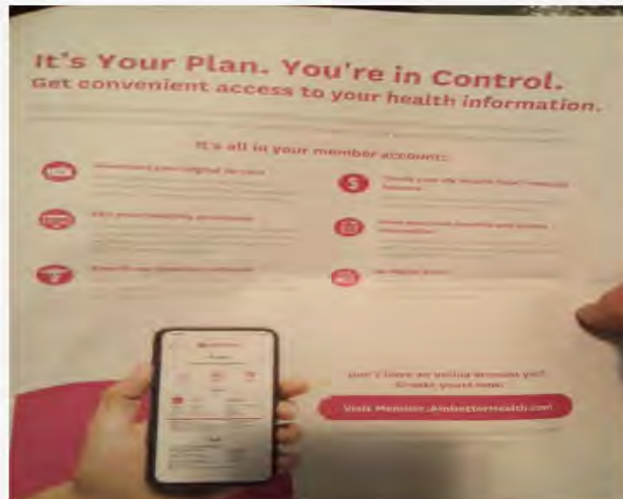
that means you should get a Health Savings Account (HSA) and put that \$1700 in there.

Jim Hoover 5/7/2023, 2:51 PM  
Urgent Care is zero copay

Id walk in with my arm cut off to the urgent care asking them to stitch it back on before Id go to the ER and get raped!



**arrabetto** www.arrabetto.it **Norma stabilizza l'asfalto**  
 P.O. Box 114004  
 Chicago, IL 60611-0004



Just showing if it helps

5/7 2:55 PM

if they are cheaper... thats good.

yeah

Jim Hoover 5/7 2:56 PM

Anyway so what is on your mind just keep running running running mill

5/7 2:58 PM

so, with the Mill.

We are interviewing a Production Assistant on Monday....

Jim Hoover 5/7 2:58 PM

Oh boy

5/7 2:58 PM

I think the PA. needs to be your back up...

you run the control room and just produce material....

Jim Hoover 5/7 2:59 PM

Yes

5/7 2:59 PM

the PA manages the workload

does all the paperwork

the QC

Jim Hoover 5/7 2:59 PM

100%

5/7 2:59 PM

etc...

Jim Hoover 5/7 2:59 PM

That's good

5/7 2:59 PM

BUT... he needs to know how to run the control room so when you take a vacation, sick, etc...

then John would be the PAs backup for the control room


I think your strength is producing product.

You can help the guys understand the machines... when issues arise


but you are at your best when producing product

NO EATING OR DRINKING IN THE CONTROL ROOM!


I repeat

Jim Hoover 5/7 3:01 PM  
 Yes sir glad you think that  
 I hear you



5/7 3:01 PM  
 NO EATING OR DRINKING...

Jim Hoover 5/7 3:01 PM  
 No eating or drinking

5/7 3:01 PM  
 okay so you hear me!

Jim Hoover 5/7 3:01 PM  
 Got that


5/7 3:02 PM  
 Now...

Jim Hoover 5/7 3:02 PM  
 GD IT JIM  
 1  
 Now ....?


5/7 3:02 PM  
 my thoughts are if we could get you and possibly Jeremy to come in at 6am and get the mill ready to produce...  
 at 8am...  
 then you two leave at 230pm...  
 that would, I believe help you with production numbers but also...  
 allow you to leave earlier in the day. when you start to peter out (tired)...

just my thoughts...


the mill associates and PA would come in at 8am - 430.  
 the PA would do the shut down...

Jim Hoover 5/7 3:05 PM  
 It takes 30 mintues to get the mill to roll 7 is plenty it would be rolling by 7:30


5/7 3:06 PM  
 7 would work too..

Jim Hoover 5/7 3:06 PM  
 I can have it rolling really in less than 20 mintues

5/7 3:06 PM  
 700 - 330

Jim Hoover 5/7 3:06 PM  
 Sure

5/7 3:06 PM  
 lets give the PA some time to get use to the shut down process... and then bring it to John.

Jim Hoover 5/7 3:07 PM  
 If that's what you want I will work tell 4:30 to help us get more of a number tell we start catching up

5/7 3:07 PM  
 would need to work it out with Jeremy or someone else to come in at 7am.



Jim Hoover 5/7 3:08 PM



I was thinking and talking to John the other day I have been walking Jeremy thru with me in mornings and since Ryan is there tell 4:30 having him walk with me at shut down what's your thoughts

I have been doing that

5/7 3:09 PM

either way... the maintenance guys need to know the start up and shut down process too.

the PA is your backup though.

Jim Hoover 5/7 3:09 PM



That's what I was thinking



Yes

WWRD

WHAT WOULD RUSS DO !!



That's what I came up with so I did that

5/7 3:10 PM

lol... you wouldnt want to know sometimes!!!

Jim Hoover 5/7 3:10 PM



With the maintenance

Lol your probably right

5/7 3:11 PM



Jim Hoover 5/7 3:11 PM



Tube mills is full charge 120 rolling



5/7 3:12 PM

yep, John sent a pic of it.

Jim Hoover 5/7 3:12 PM



Not below 100



5/7 3:12 PM

we need to watch the dates to see how long it lasts...

Jim Hoover 5/7 3:14 PM



See how the holes are rounded at some of the ends like a bigger hole



That's not good it's letting some of the small rocks get thru there but we got in there and fixed the serious problems that's for sure I told Jeremy we needed to get in there and look at that end and we found the problem it was killing the screens



On the fourth I told Rob the scrolls needed to be cut shorter he said no it will be alright I told him the product is going past the hole and covering the screens and making everything go back into return and he said how do you no that and I showed him and still blew me off

5/7 3:20 PM

he was a dick wad...

Jim Hoover 5/7 3:20 PM



It just really pissed me off that I would find the problem and he would just ignore it



I agree

Jim Hoover 5/7 3:25 PM



Also just to let you know Robs BS TALK ABOUT taking 1:30 mins to shut down and run product all out is total BS it takes 20 mins from start to finish approximately 30 at most



5/7 3:39 PM

30 mins is what we discussed before Rob... he was just lazy

Jim Hoover 5/7 4:03 PM



True

May 9

11. Produce an unredacted, complete copy the Mill Group Chat, Microsoft Teams chat, from June 26, 2023.

RESPONSE: Please see the chat on June 26, 2023:

June 26

Jim Hoover 6/26 8:19 AM



So who is helping Ron and Rj today do we have any takers since pat is crushing

John Spears 6/26 8:20 AM



Pat can get us started in the crush room. Jeremy can take over after he does his maintenance rounds. Ryan can run the packer of and on as well.

Jim Hoover 6/26 8:27 AM



Alrighty thanks 🙌

Jim Hoover 6/26 8:59 AM



Delta we have a problem , we are losing a lot of heat

John Spears 6/26 9:01 AM



That needs looked into. [Jeremy Talbert](#) go see Jim. I'm on my way.

Jim Hoover 6/26 9:02 AM



Ryan is down there

John Spears 6/26 9:03 AM



Very good.

Jim Hoover 6/26 9:23 AM



We are going to be down for a little to repair the dryer

6/26 2:06 PM

Everyone make sure we are using LOTO and the established safety procedures. There is no reason for anyone to get injured at our location.

<https://www.msha.gov/data-reports/fatality-reports/2023/june-8-2023-fatality/fatality-alert>

👍 1

You should expect MSHA to be diligently looking in the causes of this fatality at our location.

John Spears 6/26 2:09 PM



Russell Tidaback 6/26/2023, 2:08 PM

You should expect MSHA to be diligently looking in the causes of this fatality at our location.

That would not surprise me that we would be picked out.

👍 1

I am running samples on the Cilas machine.

June 27

12. Produce documents related to the fatality referred to in John Spears' Mill Group Chat message on June 26, 2023, produced by Respondent in the document titled ALL Communications regarding MSHA.

RESPONSE: In response to your request for the production of documents related to the fatality referred to in John Spears' Mill Group Chat message on June 26, 2023. We appreciate your inquiry and the opportunity to clarify the information requested.

In the Mill Group Chat conversation on June 26, 2023, the mine operator posted a link to the June 8, 2023, fatality alert notice issued by the Mine Safety and Health Administration (MSHA). The referenced fatality is the same incident that is detailed in the MSHA's official alert notice.

As the requested documents are directly related to the MSHA fatality alert notice, we would like to clarify that the details and information regarding this fatality are available in the official MSHA documentation, including the alert notice itself. We do not possess any additional internal documents or materials related to this specific incident beyond what has already been publicly communicated by MSHA.

To provide you with the most accurate and complete information regarding this fatality, we recommend referring directly to the official MSHA fatality alert notice dated June 8, 2023. This notice contains all relevant details and findings related to the incident, as compiled and reported by the regulatory authority responsible for investigating and documenting such events.

Should you require access to the official MSHA fatality alert notice or have any further questions related to this incident or other matters, please do not hesitate to let us know.

13. Produce the Microsoft Teams chats regarding the following incidents/entries into the document titled Rob Baumann-Notes from Russell Tidaback employee journal:

a. 26JUL2022 - Jeff states the shaker screen ripped because Rob didn't put bolts back in and just ran it like that. Rob told Miguel that he didn't care and that Miguel needed to get down. Rob shut things down sent everyone home early.

b. 27JUL2022 - Christine states Rob is having the guys run straight 8 hours and bypassing the given break so they can go home earlier. I explained the break should be rotated so we can continue to produce for the 8.5 hours. The breaks are precautionary for employees dust exposure too. MO doesn't require breaks to be given. Plus they are only running bulk bags and that can be done with two people.

c. 1AUG2022 - Christine states If Rob cannot get it done, we just need to replace him.

d. 5AUG2022 - Jessie states there is no emphasis for the guys to help him. When he brings it to Rob, he shrugs his shoulders and walks away.

e. 8AUG2022 - Christine wants to bring Rob to first shift as she doesn't believe Rob is doing what he is suppose to be doing without someone overseeing him. We cannot put Jim on nights due to being a single father and a young child at home.

f. 9AUG2022 - Christine thinks we should train someone to replace Rob on the night shift.

g. 16AUG2022 - Advised Christine to counsel Rob regarding shutting down and letting people go earlier than scheduled.

h. 25AUG2022 - Rob needs counseling on filling out the BOL correctly. A shipper complained that he did it wrong and wasted their time.

i. 31AUG2022 - Had discussion with Rob on the importance of inputting the daily production information in the spreadsheet. He said he would log in and get it done.

j. 3SEP2022 - Had discussion with Rob regarding the daily production numbers and updating the spreadsheet accurately. I don't know if he is incompetent or just lazy.

k. 28SEPT2022 - Rob not doing the CILAS reports as required for orders produced.

l. 8OCT2022 - Jessie and Carson were waiting for Rob to get there. Rob was late getting there.

m. 12OCT2022 - Had discussion with Rob regarding notifying and working with Carson to address the maintenance issues. Carson said Rob gets mad at everything and is hard to work with. I explained that getting angry and combative with others is not going to solve the issue any quicker.

n. 13OCT2022 - Had to counsel Rob on following the production schedule as it is presented. He was not producing what was on the schedule. Rob said he didn't like having to check the computer or phone to do his job. I explained that the computer work was part of the role.

o. 17OCT2022 - Had to explain Rob about the flow of the system and asked him why he wasn't reviewing the operating documents in the maintenance team files. His excuse was he didn't like to read on a computer.

p. 26OCT2022 - Had to explain to Rob why the MAC vacuum system was spewing dust from the exhaust and that we had to shut the system down so DEQ doesn't get called. Jim states Rob doesn't know what he is doing.

q. 2NOV2022 - John mentioned Rob showing his poor attitude again.



- r. 5NOV2022 - Had to get onto Rob about not properly keeping team shift hours correct in Shifts. He was writing them down on scratch paper and forgetting to update shifts. I don't know if he is just lazy or what. I explained that he can do this any time from the computer or his phone.
- s. 8NOV2022 - Had to inquire with Rob if he was shutting down early letting people go home early. The systems were showing shut down before the end of the shift.
- t. 1DEC2022 - While at AT had a discussion with Rob regarding his lack of attentiveness regarding ensuring the proper things were done with his team. The checklists werent being completed. The inspections werent being completed. The breakroom was a disaster. The fridge was disgusting. The trash wasn't taken out the day before, some of the windows were still open. The production floor was a mess. The back roll up door was off track. The bathroom was disgusting. The circuit breakers in Warehouse A was blocked by slip sheets.
- u. 16DEC2022 - Discussion regarding keeping the production team informed of what is expected to produce that day. Rob is lacking in managerial purpose for his team members.
- v. 26DEC2022 - Discussion with Rob regarding not meeting the daily production goals, team members complaining that he doesn't know what he is doing and that he just gets angry and stomps around like a child. He isnt a leader and allows his team to push him around. His response was just nodding his head. I stressed filling out the tasking board everyday and making sure the things get done. If he has problems with someone, take it to John and john will get it resolved. Jim blames Rob.
- w. 20JAN2023 - Kensley posted in the Ops chat group a pic of dust blowing out the back of the bldg. Again, had to stress to Rob that he needs to watch for any dust blowing out of the building. We cant have the Sheriff or DNR receiving complaints about us. We had to reiterate in the group that is was Robs responsibility to be inputting in the daily production worksheet what was produced each day before he leaves for the day. This wasn't been done.
- x. 25JAN2023 - Had to get onto Rob regarding keeping the completed bag inventory up to date. John and I discussed Robs attitude.
- y. 28FEB2023 - discussed with Rob about the task board. Starting to think we need to let Rob go. His attitude is one that he doesn't care about getting things done. He jokingly mentioned he liked being paid for not working.
- z. 20MAR2022 - Alex Snodgrass hired to eventually replace Rob.
- aa. 24MAR2023 - Discussion with John regarding Robs push back on stacking the bags today. I believe Robs attitude is infectious. We need Alex to take over for Rob and just let Rob go for performance issues.
- bb. 30MAR2023 - ATMO Safety discussion with Jessie about ensuring that Rob gets the tasks done. The tasks are established, just not getting enforced by Rob.
- cc. 5APR2023 - Alex informed us regarding accepting a neurology position at a hospital in Little Rock. Neurology is his degree is in. John and I discussed just letting Rob go.
- dd. 7APR2023 - John, Jordan and I discussed letting Rob go.
- ee. 12APR2023 - Time to let Rob go. He is afraid to make the system work and cant meet the simple daily quotas. If Jim can get it done why cant Rob. Need to look at the mill structure again. Jim can run the Mill, we just need to get a manager of people to manage the team. Hopefully, Brian Edwards can do it. He can manage the people, QC, inventory and the reporting. Jim can run the mill. Brian will need to learn how to as a back up to Jim.

ff. 14APR2023 - Warned John about an MSHA complaint when we let Rob go. Robs termination will be based on production performance, not following guidance given by management, not ensuring the safety of the mill associated by utilizing the proper controls, etc. Send John the termination letter.

gg. 16APR2023 - Ask Keith about miner pay and withdrawl order. Robs termination letter sent to John.

RESPONSE: These notes were from Mr. Tidabacks personal daily notes journal which is done on a Rocketbook wipeable notebook. These were not input into a Microsoft Teams Chat.

14. Produce all Microsoft Teams chats between Robert Baumann and any owner, supervisor or manager of Respondent.

RESPONSE: In your request for the production of all Microsoft Teams chats between Robert Baumann and any owner, supervisor, or manager of Respondent. We appreciate your patience as we work diligently to fulfill this highly technical request.

Due to the specialized nature of retrieving Microsoft Teams chats, we are currently in the process of coaching our managers and supervisors on the necessary steps to access and compile the requested information. This process involves ensuring that all relevant chats are securely retrieved and properly documented to meet your requirements.

We understand the importance of providing a comprehensive and accurate response to your request and are committed to delivering the requested Microsoft Teams chats as soon as they are available. Our team is actively working on this matter, and we anticipate completing the retrieval process within a reasonable timeframe.

Please be assured that we take your request seriously and are making every effort to facilitate the retrieval of the requested chats efficiently and effectively. We will notify you as soon as the information is ready for submission.



**From:** [Russell Tidaback](#)  
**To:** [West, David R - MSHA](#); [Simms, Robert A - MSHA](#)  
**Cc:** [Jessie Moles](#); [John Spears](#); [Jordan Tidaback](#); [Sherrill, Lawrence D - MSHA](#); [Pratt, Shawn - MSHA](#)  
**Subject:** Re: 12APR2023 - B Order #9539789 & 9539790  
**Date:** Monday, April 17, 2023 11:18:24 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Mr. Simms.

I respect your opinion but do not see it that way. I can only express my concern based on the experiences we have with Mr. Markeson.

Ever since this all started 2 months ago. We have had MSHA inspectors come to our location, threaten our employees, threaten to have US Marshall's come down and throw them all in jail, close our plant, not once but twice, lock the doors, tell employees no one is allowed to enter, even when there is no present danger to them or anyone else. Both times, the mill was not running so clearly, there was no present danger to anyone. And ultimately worst thing is keeping us shut down for almost four weeks combined, losing approximately \$1,000,000 in revenue generating opportunity.

I have brought these issues forward to you directly. I requested, practically begged, for your presence at our site. And I am thankful that you did. When you did come for the short visit, I even discussed with you personally some of the citations issued by Mr. Markeson and was told by you that I should conference them. By this, even you noticed some of these citations were questionable.

I even noticed Mr. Markeson disrespectfully snap back at Mr. Pratt after Mr. Pratt asked Mr. Markeson to "hurry this up", the day we were all there on site. Mr. Pratt noticed that I noticed this rude and uncalled for exchange of words, made a facial expression to me and turned away. IMO, embarrassed by Mr. Markeson.

As a manager of people, there appears to be more going on internally and with Mr. Markeson than you may be aware of.

My first priority is and has to be with our miners. I do not believe Mr. Markeson is acting in good faith with the best interest of our miners. I too am a miner.

I am sure you have other inspectors that are more than willing and able to provide comparable, if not better, support for the needs of our miners and our location.

With all due respect sir, If you are not able to or willing to work with us, putting our miners interests first, please sir, you leave me no other option but to request the contact information for your supervisor so that I may properly utilize the MSHA chain of command and take my concerns and recent experiences to them.

I am more than willing to work with you as we have always tried to do but I do believe that I am within my rights to request to not have a inspector come to our site if I believe that the inspector is not acting in good faith for the safety and betterment of our miners.

Respectfully, please advise.

Russell Tidaback  
American Tripoli

Sent from my Verizon, Samsung Galaxy smartphone  
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**From:** West, David R - MSHA <West.David@DOL.GOV>  
**Sent:** Monday, April 17, 2023, 20:45  
**To:** Simms, Robert A - MSHA <Simms.Robert@DOL.GOV>; Russell Tidaback <RTidaback@deedyco.com>  
**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Sherrill, Lawrence D - MSHA <Sherrill.Lawrence@DOL.GOV>; Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>  
**Subject:** Re: 12APR2023 - B Order #9539789 & 9539790

Thank You  
David

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**From:** Simms, Robert A - MSHA <Simms.Robert@DOL.GOV>  
**Sent:** Monday, April 17, 2023 8:43:36 PM  
**To:** Russell Tidaback <RTidaback@deedyco.com>  
**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Sherrill, Lawrence D - MSHA <Sherrill.Lawrence@DOL.GOV>; West, David R - MSHA <West.David@DOL.GOV>; Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>  
**Subject:** Re: 12APR2023 - B Order #9539789 & 9539790

Russell,

Keith is one of the best inspectors we have in this district if not in MSHA. He has timely answered your questions, provided proper guidance regarding your recent overexposures, and has worked to address all of your concerns.

He has also spent a lot of time trying to educate you and your personnel on the seriousness of Silica overexposures and what is needed to bring your property back into compliance.

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**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Monday, April 17, 2023 7:23 PM  
**To:** Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>  
**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Simms, Robert A - MSHA <Simms.Robert@DOL.GOV>; Sherrill, Lawrence D - MSHA <Sherrill.Lawrence@DOL.GOV>; West, David R - MSHA <West.David@DOL.GOV>  
**Subject:** Re: 12APR2023 - B Order #9539789 & 9539790

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Mr. Pratt.

I do not believe Mr. Markeson is acting in good faith with the best interest of our miners. I am requesting that Mr. Markeson NOT to return to our site.

He has created an environment where our miners are confused, concerned for their jobs and the financial livelihood of their family.

We have asked repeatedly for assistance and I feel we keep getting the run-around from Mr. Markeson.

I am at a loss here and don't know what else to do.

I do apologize for having to bring this forward but as you can see after multiple attempts we are not getting from Mr. Markeson, which is representing MSHA, the support needed, which should be expected from an authoritative federal agency.

Please advise.

Russell Tidaback

Sent from my Verizon, Samsung Galaxy smartphone  
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**From:** Markeson, Keith S. - MSHA <Markeson.Keith@DOL.GOV>  
**Sent:** Monday, April 17, 2023, 15:28  
**To:** Russell Tidaback <RTidaback@deedyco.com>; Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>  
**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Simms, Robert A - MSHA <Simms.Robert@DOL.GOV>; Sherrill, Lawrence D - MSHA

<Sherrill.Lawrence@DOL.GOV>; West, David R - MSHA <West.David@DOL.GOV>  
**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

My responses are below in red.

Keith Markeson – Mine Safety and Health Inspector  
U.S. Department of Labor - MSHA  
Rolla Field Office  
1404 Independence Road  
Rolla, MO 65401  
Ph: 573-467-4134  
Fax: 573-364-0305



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**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Sunday, April 16, 2023 6:01 PM  
**To:** Markeson, Keith S. - MSHA <Markeson.Keith@DOL.GOV>; Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>  
**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Simms, Robert A - MSHA <Simms.Robert@DOL.GOV>; Sherrill, Lawrence D - MSHA <Sherrill.Lawrence@DOL.GOV>; West, David R - MSHA <West.David@DOL.GOV>; Russell Tidaback <RTidaback@deedyco.com>  
**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

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Mr. Markeson.

Sir, Thank you for your reply. It raises more questions.

1. No "related dust producing activities." Can we task our guys with tasks that are not "dust producing"? Such as cleaning the breakroom, cleaning the bathroom, lubricating and adjusting the rollup doors, adjusting/repairing the window pull cords, painting the safety handrails, and safety lines, removing the palletizer loader equipment, lubricating the

equipment, etc.

**These are all in the Mill but are not "dust producing activities." We understand no milling machinery use as this equipment generates dust. No sweeping or shoveling of spillage. No dust collector filter servicing. No dust producing activities.**

As per the verbiage on the 104(b) orders:

This order withdraws all miners from the mill building for all activities, with the exception of:

1. Using the forklift(s) to load already packaged product onto customer trucks.
2. Manually wrapping already stacked and packaged product with stretch wrap for shipping.
3. Working on the discharge end of the dust collectors (screw conveyors and airlocks) outside and,
4. Working in the shop attached to the mill building.

Any other activity without a modification to the 104(b) orders would be considered working in the face of an order.

**Im sure you can agree if anyone is in the mill, regardless of the tasking, the lighting should be on for safety purposes, and the windows, doors, and ventilation system should be open and on.**

The lights are already on.

**2. "An order issued under 104(b) of the Federal Mine Safety and Health Act of 1977 is a withdrawal order, and it does invoke the "Right to Pay for Miners Idled by a Withdrawal Order." Since we operate 8hrs a day MON-FRI, which applies to our mill associates?**

The miners are entitled to pay for the remainder of their shift for 4/12/2023 and for four hours for 4/13/2023. As per the Federal Mine Safety and Health Act of 1977:

#### ENTITLEMENT OF MINERS

SEC. 111. If a coal or other mine or area of such mine is closed by an order issued under section 103, section 104, or section 107, all miners working during the shift when such order was issued who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift.

**Im referencing the Miners Rights handbook, pages 12-13,**

**"If you are working on the shift when a withdrawal order is issued, and you are idled by the withdrawal order, you are entitled to your regular pay for the time lost; but only for the balance of the shift." So the Order was issued on 4/12/2023 at 0902. So the guys were advised to go home until we get this figured out. I agree they get paid for that day since they'd already made an effort to show up to work.**

This is where it gets confusing and why I tried to contact you on the 12<sup>th</sup>.

If we do not have electricity in the Mill for lights, but you "verbally" allowed the mill associates to operate in the Mill with no lighting, wouldn't this contradict citation 9539736 you issued on 2/22/2023 at 1013 marked "Lost Workdays or Restricted Duty for Injury or illness could be reasonably expected and a Moderate Negligence".

The citation states "None of the lights were working", "This condition creates a visibility hazard to the miner."

I stressed this specific issue with this citation to you in person, in front of Mr. Simms, Mr. Pratt and others. You stood your ground and emphasized to all of us present that without electricity/proper illumination, regardless of window or door access, it would be considered a violation.

Now with that said, it would be irresponsible to think that we would intentionally go against what we were cited for just two months earlier.

We had to keep the miners out of the Mill due to miscommunication, ill-proper documentation, and clarification needed to not only keep the miners safe but also ensure that we would not be cited again for making an assumption. I hope this explains why we needed and still need clarification from you.

I would assume for anyone, but if you can not get a hold of me via phone, please follow up with an email. I have no missed calls from you, and I receive many calls and voicemails each day. So, I cannot confirm you called, and I would have called you back if I did, as we have employees sitting at home.

I am not asking you to respond on my schedule; I'm just asking you to respond. Professionally, it is assumed a response will be within 24 hours. I know you are busy, and I don't control your task load. I did reach out to Mr. Pratt on April 12, 2023, at 3:14:16 PM. He called me, had to leave me a voice message, and I called him back immediately.

It was also brought to my attention that it was expressed to them at our site (quote from an employee) "There was also mention that MSHA may not be in a hurry to confirm any of this since there is clear evidence that we were not in a hurry to act on any of the citations."

Mr. Markeson, I am not stating you said this, as I was not present to hear it. I bring up this point because any comments like this from a person in your authoritative position make employees scared and concerned for their job, paycheck, and livelihood. As you should be well aware, it is challenging to hire new employees and retain those who want to work in our current economy.

This leads me back to the Miners Rights handbook, page 13, as it states, "If you are withdrawn from the mine or part of the mine and idled because the operator does not comply with any mandatory safety or health standard, you are to be paid for lost time at your regular rate for the time you are idled, or for one week, whichever is the lesser."

From what you are stating, they weren't idled because we could have put them to work according to the exceptions made and now updated Orders. This is why we need clarification from you.

The miners were idled due to a 104(b) withdrawal order. The "Right to Pay for Miners Idled By

a Withdrawal Order” comes into play because of this. Pages 12-13 of the Miners’ Rights book (OT-2) and Section 111 of the Federal Mine Safety and Health Act of 1977 do apply in this situation.

**3. Does the first paragraph apply to where our Mill associates are right to be paid for the entire day, the 12<sup>th</sup>, or are they “entitled to be paid for lost time”?**

The miners are entitled to pay for the remainder of their shift for 4/12/2023 and for four hours for 4/13/2023. As per the Federal Mine Safety and Health Act of 1977:

**ENTITLEMENT OF MINERS**

SEC. 111. If a coal or other mine or area of such mine is closed by an order issued under section 103, section 104, or section 107, all miners working during the shift when such order was issued who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a coal or other mine or area of such mine is closed by an order issued under section 104 or section 107 of this title for a failure of the operator to comply with any mandatory health or safety standards, all miners who are idled due to such order shall be fully compensated after all interested parties are given an opportunity for a public hearing, which shall be expedited in such cases, and after such order is final, by the operator for lost time at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser.

The length of time that the plant is idled would determine the pay to which the employees are entitled for lost time, but for not more than one week.

**So now we have to deal with employees who read the Miners Rights book one way, and what we, the management side, have to deal with trying to get clarification from you.**

**I understand in the morning; you are coming back to the Mill "to tag out the specific pieces of equipment"so we can have lighting so the Mill Associates can work in the Mill.**

**Preferably, before you leave tomorrow morning, so we know precisely what we can and cannot task our mill associates within the Mill, and how to respond to their inquiries regarding the miners rights handbook, please reply to the three noted questions in this email.**

Jessie Molesi and John Spears were specifically asked twice, before I left the mine site, if they had any additional questions. Neither of them asked about tasks for the mill associates.

**Thank you.**



**Russell Tidaback**

Managing Member



**AmericanTripoli.com**

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**From:** Markeson, Keith S. - MSHA <[Markeson.Keith@DOL.GOV](mailto:Markeson.Keith@DOL.GOV)>  
**Sent:** Friday, April 14, 2023 3:20 PM  
**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>; Pratt, Shawn - MSHA <[Pratt.Shawn@dol.gov](mailto:Pratt.Shawn@dol.gov)>  
**Cc:** Jessie Molesi <[Jessie.Molesi@americantripoli.com](mailto:Jessie.Molesi@americantripoli.com)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Sherrill, Lawrence D - MSHA <[Sherrill.Lawrence@DOL.GOV](mailto:Sherrill.Lawrence@DOL.GOV)>; West, David R - MSHA <[West.David@DOL.GOV](mailto:West.David@DOL.GOV)>  
**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

As previously my responses below are in blue.

Keith Markeson – Mine Safety and Health Inspector  
U.S. Department of Labor - MSHA  
Rolla Field Office  
1404 Independence Road  
Rolla, MO 65401  
Ph: 573-467-4134  
Fax: 573-364-0305



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**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Friday, April 14, 2023 1:41 PM



**To:** Markeson, Keith S. - MSHA <Markeson.Keith@DOL.GOV>; Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>

**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Simms, Robert A - MSHA <Simms.Robert@DOL.GOV>; Sherrill, Lawrence D - MSHA <Sherrill.Lawrence@DOL.GOV>; West, David R - MSHA <West.David@DOL.GOV>

**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

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Hello Mr. Markeson.

I am glad you responded to my emails. I was beginning to wonder if you were just ignoring me. I emailed you on April 6, 2023, 10 AM asking for your assistance, but you never returned my email. Then I called you on April 12th and sent you a text message on April 12, 2023 at 13:40. As of this email you haven't responded to my previous emails, phone calls, or text messages. Please from now on, include John, Jordan, and myself in any MSHA communications regarding our site, and I will make sure our team does the same. This way we are all on the same page.

I apologize for the delays in my responses but I have many other duties that keep me away from my computer and I do not normally respond outside of my working hours. I did not respond to your e-mail on April 6<sup>th</sup> because I understood this to be a request for us to return to the mine site and perform a resample not as an e-mail requiring a written response. I did return to the mine site this past Wednesday and I was prepared to conduct a resample if one was warranted. Your call on April 12<sup>th</sup> and the following text message was received while I was on the phone with MSHA management, I did return your call immediately following my phone call however you did not answer and no voicemail ever picked up, therefore I was unable to leave a message. Do not assume that because I can't respond on your schedule that I am ignoring you.

Taking Mr. Pratt's advice, on any future MSHA inspection closeout, Jordan and or myself will be on a conference call to go over any citations/orders.

I think that this would be a good idea. It was discussed and offered for the closeout this past Wednesday.

I am asking for you to request from Mr. Simms to vacate this 104(d) order on the basis listed below and extend the termination date at least another couple weeks while we have the masks delivered, tested, the guys use them and the air quality devices serviced and returned.

1. We were addressing the 104(a) citation, RPP updates, physical updates, new PPE, etc...
2. Once we had the correct information as to WHY we had to order new equipment that the company hasn't used in over a decade, we did order the PAPR systems the very same day.
3. Our newly hired Safety Specialist is learning by fire hose regarding the specifics of MSHA.

We cannot control the hospitals schedules. Jessie scheduled the physicals as available and as you see, based on when we could get the exams done, they are getting done. If we would have spoke we could worked out the details and saved a lot of hassle.

The same goes with the RPP, with learning the WHY, and as I have asked numerous times, the CFR doesnt specifically state the PAPR is required. You know firsthand when we were at the site last time we were bombarded with tons and tons of paper. Plus you know Jessie is very, very new to the position. A little help or if someone would have referenced the NIOSH chart earlier, or again if we spoke... this all could have saved a lot of hassle.

Now that Jessie knows what PPE and equipment needs to be updated in the RPP, but when learning about it and while finding the specific makes, models, etc it would not make sense to change the document with wrong information. Again, we were working towards addressing the issues. Obviously 7 days, 5 business days, wasnt enough time to get it completely done but we were addressing it. Again, if we spoke... could have saved a lot of hassle here.

As for the plant power, unfortunately, asking the maintenance person regarding locking out the building power without discussing it with the person in charge of the operations there, John, was a mistake. As you can tell by the response of the "maintenance man" you spoke with, they were only concerned regarding their one part of the entire operation. The maintenance man doesnt know all of the operations occurring and the consequences of such.

At the time John was not on the mine property. I did discuss the issue with Rob Baumann, Jessie Moles, and the maintenance man (I apologize for no knowing his name, but he is new since I conducted the sampling). I was under the impression that I was talking with the designated person in charge when I was talking with Mr. Baumann and Mr. Moles while John was off site. In the future I will ask the appropriate questions to ensure that I am talking with the person in charge at the mine.

There are power junction boxes that can shut off specific equipment. This is why we are asking for an MSHA rep to go back to the Mill and "close tag" the equipment junction boxes for the specific equipment, the tube mill specifically and/or the pulverizer. Either of those TWO PIECES of equipment is what produces "the dust" and without those two pieces of equipment, we can not produce material.

This has been addressed with Jessie and John. Arrangements have been made to tag out the specific pieces of equipment.

Referring to your statement in an email sent to Jessie, "copies of the withdrawal orders", this is causing a lot of confusion... your statement of "withdrawal", now has our employees wondering if they are "Right to Pay for Miners Idled by a Withdrawal Order", page 12 of the Guide to Miners' Rights and Responsibilities (<https://arlweb.msha.gov/S&HINFO/minersrights/MinersRights.pdf>).

I still have issues with the order being issued, but Is the order 104(b) a WITHDRAWAL order?

An order issued under 104(b) of the Federal Mine Safety and Health Act of 1977 is a withdrawal order, and it does invoke the "Right to Pay for Miners Idled by a Withdrawal Order."

If so, how is it a withdrawal order but we can still allow employees to work in the mill, and that brings up another question, since other employees weren't overexposed, does the withdrawal only for the affected employees?

The 104(b) order applies to the area of the mill building and the related dust producing activities. This was discussed with Jessie Molesi and Rob Baumann and it was explained to them that the order prohibits all activity in the mill building with the exception of loading out product that has already been packaged. The order applies to an area, not to specific employees. One of the overexposed employees worked in all areas of the mill on the day he was sampled and that is the area to which the order of withdrawal applies. I made an exception for the loadout of already packaged product based on the argument made by Mr. Baumann that this does not produce dust and that there was no significant dust buildup on the packaged product for the miners to be exposed to. During a discussion with Mr. Baumann I also agreed that stacked, palletized, bags could be manually wrapped with stretch wrap for shipping as this would not expose the miners to dust with the rest of the plant not operating.

This is where I think the confusion lays, Turning off the power to either of the two pieces of equipment above, extending the citation termination date, working with Jessie and us specifically on the requirement would have solved any potential air quality hazard until the administrative controls were corrected. Really not a need to issue a 104(b).

There should be no confusion. When I left the plant, it was clearly stated, and Jessie and Rob stated that they understood, that the 104(b) orders prohibit all activity in the mill building with the exception of loadout of already packaged product and work on the discharge end of the dust collectors outside (airlocks and screw conveyors). Mr. Baumann called me after I left the mine site and asked if the stacked and palletized bags could be wrapped for shipment, and I agreed that could be done manually. Let me state that one more time to be perfectly clear:

The 104(b) orders issued, withdraw all miners from the mill building for all activities, with the exception of:

1. Using the forklift(s) to load already packaged product onto customer trucks.
2. Manually wrapping already stacked and packaged product with stretch wrap for shipping.
3. Working on the discharge end of the dust collectors (screw conveyors and airlocks) outside and,
4. Working in the shop attached to the mill building.

That is it, no other activity is permitted until the orders are modified. I have attached modifications to the orders to clarify the Area Affected.

I am not seeing in the CFR where a 104(b) is a withdrawal order. I can see where a 104(d), 104(g), and a 107(a) ORDERS are withdrawal orders but not a 104(b). Plus a 104(b) order abatement can be extended, just like requested on April 6<sup>th</sup> 2023 while we were addressing the 104(a) citation.

Can you point us to where in the CFR states a 104(b) is a withdrawal order?

It is not in the CFR, it is in Section 104(b) of the Federal Mine Safety and Health Act of 1977 which is available on our website [www.msha.gov](http://www.msha.gov).

CFR 104.2 Pattern criteria states:  
**104.2 Pattern criteria.**

(a) At least once each year, MSHA will review the compliance and accident, injury, and illness records of mines to determine if any mines meet the pattern of violations criteria. MSHA's review to identify mines with a pattern of S&S violations will include:

- (1) Citations for S&S violations;
- (2) Orders under section 104(b) of the Mine Act for not abating S&S violations;
- (3) Citations and withdrawal orders under section 104(d) of the Mine Act, resulting from the mine operator's unwarrantable failure to comply;
- (4) Imminent danger orders under section 107(a) of the Mine Act;
- (5) Orders under section 104(g) of the Mine Act requiring withdrawal of miners who have not received training and who MSHA declares to be a hazard to themselves and others;
- (6) Enforcement measures, other than section 104(e) of the Mine Act, that have been applied at the mine;
- (7) Other information that demonstrates a serious safety or health management problem at the mine, such as accident, injury, and illness records; and
- (8) Mitigating circumstances.

(b) MSHA will post the specific pattern criteria on its Web site.

Please respond with your intent of the requested items:

1. Request to vacate the 104(b) and extend the 104(a) termination date. Request denied, the 104(a) citations have been replaced with 104(b) orders 9539789 and 9539790. There is no extension needed as orders do not have a termination due date or time.
2. Is the 104(b) a withdrawal order? If so, how can we operate under a withdrawal order in the mill? The 104(b) orders are withdrawal orders and you cannot operate the mill with orders on it.
3. "Close tag" specific machines rather than the entire building for safety purposes of lighting. As stated above, arrangements have been made to do this as soon as practical.
4. Where in the CFR does it state the 104(b) is a withdrawal order, in regards to "Right to Pay for Miners Idled.." so we all will know. As above, a 104(b) order is a withdrawal order as defined in Section 104(b) of the Federal Mine Safety and Health Act of 1977 (The ACT). The reference for the "Right to Pay for Miners Idled..." is in Section 111 of The ACT.

Thank you.

**Russell Tidaback**

Managing Member



[AmericanTripoli.com](http://AmericanTripoli.com)

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**From:** Markeson, Keith S. - MSHA <[Markeson.Keith@DOL.GOV](mailto:Markeson.Keith@DOL.GOV)>  
**Sent:** Friday, April 14, 2023 11:45 AM  
**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>; Pratt, Shawn - MSHA <[Pratt.Shawn@dol.gov](mailto:Pratt.Shawn@dol.gov)>  
**Cc:** Jessie Molesi <[Jessie.Molesi@americantripoli.com](mailto:Jessie.Molesi@americantripoli.com)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Sherrill, Lawrence D - MSHA <[Sherrill.Lawrence@DOL.GOV](mailto:Sherrill.Lawrence@DOL.GOV)>; West, David R - MSHA <[West.David@DOL.GOV](mailto:West.David@DOL.GOV)>  
**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

Mr. Tidaback,

Please see my responses to your questions below in blue.

Keith Markeson – Mine Safety and Health Inspector  
U.S. Department of Labor - MSHA  
Rolla Field Office  
1404 Independence Road  
Rolla, MO 65401  
Ph: 573-467-4134  
Fax: 573-364-0305



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**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Thursday, April 13, 2023 6:00 PM  
**To:** Pratt, Shawn - MSHA <[Pratt.Shawn@dol.gov](mailto:Pratt.Shawn@dol.gov)>  
**Cc:** Jessie Molesi <[Jessie.Molesi@americantripoli.com](mailto:Jessie.Molesi@americantripoli.com)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Markeson,

Keith S. - MSHA <[Markeson.Keith@DOL.GOV](mailto:Markeson.Keith@DOL.GOV)>; Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Sherrill, Lawrence D - MSHA <[Sherrill.Lawrence@DOL.GOV](mailto:Sherrill.Lawrence@DOL.GOV)>; West, David R - MSHA <[West.David@DOL.GOV](mailto:West.David@DOL.GOV)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jessie Molesi <[Jessie.Molesi@americantripoli.com](mailto:Jessie.Molesi@americantripoli.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

**Importance:** High

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+John Spears  
+Jessie Molesi

Hi Mr. Pratt.

Thank you for the detailed response. A couple questions come up with this...

1. Do you have a copy of this ANSI Z88.2-1969 being referenced? If so, please send a pdf copy. I would greatly appreciate it.

We cannot provide you a copy due to copyright however, one is available for your review at any MSHA District Office as stated in the standard 30CFR§56.5005(b) or a copy can be obtained from the American National Standards Institute (ANSI) at [ansi.org](http://ansi.org).

In regards to the <https://www.cdc.gov/niosh/npg/npgd0684.html> site, this helps make the air sample results mentioned in the citation understandable. With this, we ordered four 3M 6900PF Powerform face-mounted PAPRs, twenty 3M HE SP3 filters and two chargers.

2. "Keith told me this morning that he gave a copy and discussed this with Jordan." Not sure what this is in reference to and Jordan doesn't either. Please elaborate if you would.

A printed copy of the NIOSH document you referenced above was given to Jordan during your visit and I explained the different respirator requirements based on exposure. This was during our conversation about the disposable respirators in use at the mine vs half-mask respirations with replaceable cartridges.

Referring to the "closed tags", I understand the equipment that generates "the dust", but shutting the power of to the entire mill... and then telling the miners they can work in the mill to load trucks, maintenance, etc... without lights? That just doesn't make sense. I asked yesterday to have an MSHA rep come back out, untag the equipment that doesn't generate "the dust" so our guys could work. From what I understand this didn't happen and we couldn't just have guys sitting around not being able to work, so we had to send them home. These actions are not only harming this company financially, but it is harming our employees financially as well.



Just to clarify your statements above, the miners were not told that they can perform maintenance. They were told that the order did not prevent them from loading out product that had already been packaged. There was no discussion regarding lighting, it is up to the miners and mine operator to determine what lighting would be required to perform this task safely. If additional lighting is required to perform this task, portable lighting could be used or headlights on the forklifts could be a possibility. On the day that the orders were issued there was plenty of ambient light coming in from the windows to access the product stored around the bagging machine and the warehouse area behind the breakroom even after the lights were turned off.

I do not see why the electricity to the entire building was shut off and “closed tag”. The tube mill, yes. The pulverizer, yes. But the lights, etc... those have nothing to do with “the dust”.

The reason that the main breakers were tagged out as opposed to only tagging out the individual breakers was because the mine did not have the necessary lockout devices to lock out the individual circuits. I asked the miners, which included your maintenance man, how to lock out the production equipment, I was told that the two main breakers was how to do that. I then asked them to turn off the requisite breakers so that I could attach my tags. The two main breakers were what was turned off and tagged. A discussion was held with your production supervisor and your maintenance man regarding power to the mill shop. I was told that they could work out of the shop across the street for anything they needed power for and could run an extension cord from the office for anything else they needed in the mill shop.

When the mill is not running, there is no hazard present. I understand completely the purpose of not allowing the mill system to run as it creates a potential hazard but if the individual equipment is “closed tag” then there is no hazard. The operations team can resolve the administrative issues with the RPP, and the maintenance team can do what they were hired to do.

I am asking, no I am pleading with you to reconsider the “closed tags” issue, have someone come down and let us utilize electricity and the systems that don’t pulverize or crush the material. We have shipments needing to be loaded on trucks and to be safe, we need lights in the mill to do so.

It is hard enough to get people to work these days and having to tell them to go home or not come in due to an MSHA order... I’ll be surprised if any of the mill associates stick around long enough for us to resolve this and get them back to work.

I believe this whole issue has been grossly blown out of proportion. When the citation was issued, we stated addressing the issues. IF it was such as critical issue, why was the termination date put 7 days out? Plus why was the order called for when we were working towards solving the issue.

The termination was set out 7-days after discussion with Jessie Moles and John Spears to determine a reasonable abatement time to get started. It was determined that less than 7-days would not be reasonable for you to update the mine’s RPP, have all affected miners medically evaluated to be able to wear a respirator, order and obtain the required respirators, and to get them fit tested. The termination due time was set (as stated in the citations themselves) to allow a reasonable amount of time to complete these tasks. Jessie and John were also told that if these tasks were completed, the citations would be extended to allow time to start working on the dust controls at the plant. The orders were issued because none of the tasks listed above had been completed before the termination due date and time. When I arrived at the mine on Wednesday the RPP had not been updated, none of the affected miners (with exception of the two that already had been evaluated at the time

of sampling) had been medically evaluated, no approved respirators had been ordered or obtained, and no additional miners had been fit tested. When no apparent effort has been made to abate the condition, 104(b) orders for failure to abate were issued.

sorry, this all is very, very frustrating... we missed out on \$50k worth of production today!

I look forward to your response. Have a good night.

**Russell Tidaback**

Managing Member



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**From:** Pratt, Shawn - MSHA <[Pratt.Shawn@dol.gov](mailto:Pratt.Shawn@dol.gov)>

**Sent:** Thursday, April 13, 2023 1:56 PM

**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Cc:** Jessie Molesi <[Jessie.Molesi@americantripoli.com](mailto:Jessie.Molesi@americantripoli.com)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Markeson, Keith S. - MSHA <[Markeson.Keith@DOL.GOV](mailto:Markeson.Keith@DOL.GOV)>; Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Sherrill, Lawrence D - MSHA <[Sherrill.Lawrence@DOL.GOV](mailto:Sherrill.Lawrence@DOL.GOV)>; West, David R - MSHA <[West.David@DOL.GOV](mailto:West.David@DOL.GOV)>

**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

- Mr. Pratt will inform us of the enforcement regarding the resample process and PAPR requirements

Please see the answers to your questions below.

- Mr. Pratt would inform us where in the CFR is states PAPRs are a requirement vs a N95/N100 non-PAPR mask.

**§ 56.5005 Control of exposure to airborne contaminants.**

Control of employee exposure to harmful airborne contaminants shall be, insofar



as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted, engineering control measures have not been developed or when necessary by the nature of work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Respirators approved by NIOSH under 42 CFR part 84 which are applicable and suitable for the purpose intended shall be furnished and miners shall use the protective equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2-1969, published by the American National Standards Institute and entitled "American National Standards Practices for Respiratory Protection ANSI Z88.2-1969," approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>, or may be examined in any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

<https://www.cdc.gov/niosh/npg/npgd0684.html>

Keith told me this morning that he gave a copy and discussed this with Jordan.

Since the N100 non-PAPR masks are the same filtration rating, 99.97%, as a PAPR hood system, can we use the N100 masks to run the machinery for 8 hours to get the resample? No, see above.

- Mr. Pratt would inform us where in the regulations or PPM, in reference to Arlington, where it states the process we have to perform before MSHA will perform an air resample.

## **§ 56.5002 Exposure monitoring.**

Dust, gas, mist, and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures.

If so, We will need an MSHA rep to remove the LOTO tags so we can run the mill for the 8 hours, possibly Saturday, the latest Monday the 17th.

Before the 104(b) order can be modified or the "Closed" tags can be removed; the mine's Respiratory Protection Program must be updated to meet the requirements of ANSI Z88.2-1969 (Jessi Moles and John Spears are aware of what the deficiencies are), all affected

miners must be medically evaluated to be able to wear a respirator, the Mill Associates must be provided with any powered, air-purifying respirator (PAPR) with a high-efficiency particulate filter or any supplied-air respirator operated in a continuous-flow mode, John Spears should be provided with a half-mask respirator with at least N95 filters however he can continue to use the disposable N95 respirators at the mine provided they are fit tested every time they are donned in accordance with the case insert instructions and ANSI Z88.2-1969, and all affected miners must be fit tested to ensure the efficacy of the respirators.

The "Closed" tags will then be removed and the 104(b) orders modified to allow the mine operator time to perform repairs to the dust control systems in the plant. These repairs should include patching of the holes in the dust collection pipes, replacing defective bags/filters in the dust collectors, repairing/replacing the airlocks on the dust collector discharges, and repairs to the automated bagging system in the plant. After repairs have been made, and the repairs confirmed by an Authorized Representative, the 104(b) orders will then be modified to allow the plant to run for you to perform sampling. Additional actions will be based on the results of that sampling.

... then we need to wait until the sample test results come back from the lab...

Correct, once the sample test results come back from the lab those results will determine whether an MSHA resample is warranted or if additional engineering controls need to be put into place to further reduce the miner's exposure.

... then do we need to wait again until an MSHA inspector comes and does another resample, or can we run production once the first sample test results come in?

This will be determined based on the sample results a modification to the 104(b) orders would be required to run production.

Shawn Pratt  
MS&H Inspector Supervisory  
U.S. Department of Labor - MSHA  
Rolla Field Office  
1404 Independence Road  
Rolla, MO 65401  
Ph: 573-364-8282  
Fax: 573-364-0305



---

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Sent:** Wednesday, April 12, 2023 8:06 PM

**To:** Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>

**Cc:** Jessie Molesi <Jessie.Molesi@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Russell Tidaback <RTidaback@deedyco.com>

**Subject:** RE: 12APR2023 - B Order #9539789 & 9539790

**Importance:** High

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- Mr. Simms, Anthony  
+ Mr. Molesi, Jessie

Hello Mr. Pratt.

Thank you for taking my call.

Here is the reminder I mentioned I would email you.

- Mr. Pratt will inform us of the enforcement POC in Arlington, Mr. Gene ???, regarding the resample process and PAPR requirements
- Mr. Pratt would inform us where in the CFR is states PAPRs are a requirement vs a N95/N100 non-PAPR mask.
- Mr. Pratt would inform us where in the regulations or PPM, in reference to Arlington, where it states the process we have to perform before MSHA will perform an air resample.

Also, just so I am clear on what is needed...

Based on our phone conversation, we have contacted Employers Health & Safety, LLC in Joplin. For \$2,000, They perform the air samples.

Since the N100 non-PAPR masks are the same filtration rating, 99.97%, as a PAPR hood system, can we use the N100 masks to run the machinery for 8 hours to get the resample? This way, we don't have to purchase \$12,000 worth of PAPR hood system equipment that we will most likely never use.

We have five M3 N100 masks being delivered on Friday. On Friday, we can do the fit test.

If so, We will need an MSHA rep to remove the LOTO tags so we can run the mill for the 8 hours, possibly Saturday, the latest Monday the 17th.

... then we need to wait until the sample test results come back from the lab...

... then do we need to wait again until an MSHA inspector comes and does another resample, or can we run production once the first sample test results come in?

Is this the process?

Please advise.

**Russell Tidaback**

Managing Member



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**From:** Pratt, Shawn - MSHA <[Pratt.Shawn@dol.gov](mailto:Pratt.Shawn@dol.gov)>  
**Sent:** Wednesday, April 12, 2023 3:49 PM  
**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Cc:** Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>  
**Subject:** Re: 12APR2023 - B Order #9539789 & 9539790

Mr Tidaback

Just sending you an email that I called and left a message on your phone. You can call me back or we can talk tomorrow.

Thank you, Shawn Pratt

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**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Wednesday, April 12, 2023 3:14:16 PM  
**To:** Pratt, Shawn - MSHA <[Pratt.Shawn@dol.gov](mailto:Pratt.Shawn@dol.gov)>  
**Cc:** Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>; John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>  
**Subject:** 12APR2023 - B Order #9539789 & 9539790

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**sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Hello Mr. Pratt,

I left two messages with your office today, and on my last call, I was directed by your office to call Mr. Simms. I called Mr. Simms, and he stated that I needed to be talking and work with you and the inspector.

I also left a voice message and a text message with Mr. Keith Markeson in regards to today's issuance of B orders #9539789 and 9539790 and have been informed by company personnel,

"The main breaker to the mill has been red tagged, and is not to be removed. If it is, then there is a substantial fine that will charge by the minute. There is no power to the mill. We can, however load currently produced product onto trucks; we can work only in the maintenance shop, and the outside filtration systems; we cannot operate anything that produces dust, until we have everyone medically evaluated for respirator systems, have obtained approved respirator system, fit tested said individuals for respirator systems, and have an MSHA rep confirm all of this. There was also mention that MSHA may not be in a hurry to confirm any of this since there is clear evidence that we were not in a hurry to act on any of the citations."

When citations (9539786, 9539787, 9539788) were issued on 3/30/2023 at 1410, we reviewed them, discussed them, and started resolving the issues.

1. We have addressed the engineering controls we have in place, as recommended in the CFR.
2. We requested via email to Mr. Markeson an air quality resample a few days later.
3. We ordered and delivered more approved PPE.
4. We are getting our employees the health physicals (half of them were scheduled and at the Drs office having this done this morning)
- And 5. we are addressing the updating of our RPP (new safety manager, new PPE manufacturers, etc.)

We are making efforts to be compliant with the CFR.

Today, as I mentioned to you this morning over the phone, you had terrible reception, so I don't know if you were able to hear everything; Mr. Markeson issued an order against a citation that we have requested a time extension on and an air resample.

Mr. Makeson shut down our operations, which I do not think is appropriate or called for since we are working on the administrative processes to resolve the citations.

Every hour we are shut down costs us valuable time and revenue-generating opportunities. We had to send our employees home today due to this. This seems to be a reoccurring

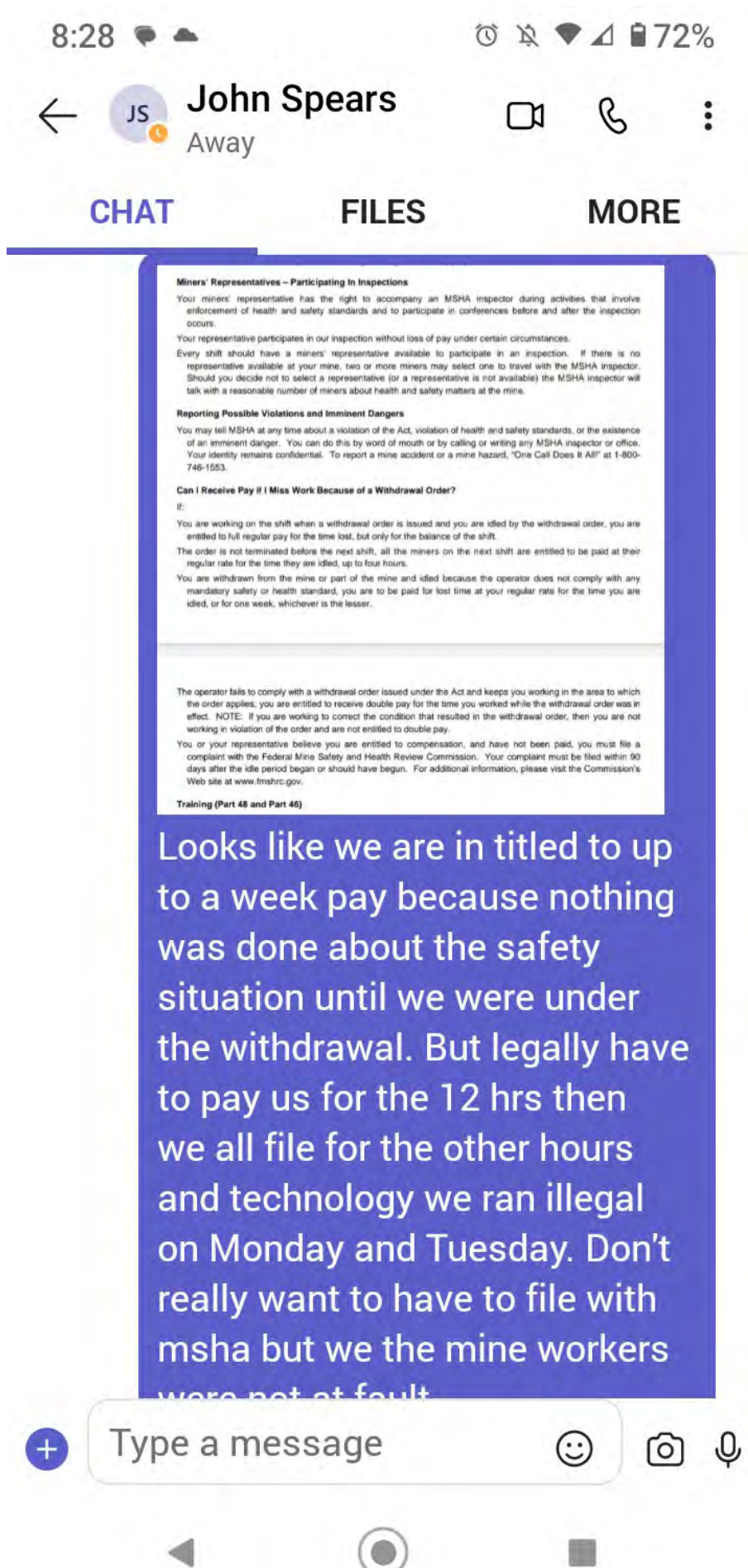
pattern, in my opinion, of overstepping what right and abusive authority is. These MSHA-directed shutdowns are causing our employees to search for jobs elsewhere for employment where MSHA is not involved.

I am pleading with you to CALL ME ASAP so we can get this resolved and not let this linger like it did last time for three-plus weeks.

Respectfully

Russell Tidaback  
American Tripoli  
239.770.0630 (cell)







Russell T.

**Gage Wheeler** Did you get  
ahold of PremierTech?

February 14 6:35 AM



John S.

Gage Wheeler do not answer  
any questions about the that  
the MSHA inspector may  
have. Do not go into the mill.  
I'll be the person who talks to  
me inspector.

February 14 10:13 AM



John S.

**[6:55 AM] John Spears**



February 14

John Spears 2/14 6:35 AM

JS Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

John Spears 2/14 10:13 AM

JS [6:55 AM] John Spears  
I understand. I should have been more specific about not volunteering information. I will escort the inspector.  
like 1

2/14 10:15 AM

MSHA Guide to Equipment Guarding  
<https://arlweb.msha.gov/s%26hinfo/equipguarding2004.pdf>

John Spears 2/14 10:22 AM

JS Those are the best representative pictures I've seen so far.



Unknown User 2/14 11:11 AM

UU There was no Volunteering information i was asking a question about a specific code that way we can get the right kind of material on the way to fix the guards so whe can be in complience so we can terminate the Citations



The certin question was about the expanded metel that was used and it is a now go thats all i was doing i wasnt giving infomation about other things or whatever i didnt even join the inspection group till he pointed things that need to be fix because at that point it became my buisness



2/14 11:19 AM

Yep, I think the best way to approach the guarding issue is to put a gate entrance at the stairs going down/up from the production floor. Just an idea...

It's all good. Have to remember each inspector is going to have a different opinion of what is right

What was the question about expanded metal? He didn't like the current guarding?

Unknown User 2/14 11:24 AM

UU No he doesnt almost all of it is a no go Well regardless of that i wasnt volunteering infomation heres two logicly reasons why 1. why would i create more work for myself than i have to 2. I dont have to point anything out if there is anything wrong with anything hes gonna find it and write it up without the help from anyone.



2/14 11:26 AM

Amen to That!!!

Oh well, thanks for just nodding and agreeing with the inspector. That's all we can do.

Unknown User 2/14 11:33 AM

UU Well just make myself absoltely clear i wasnt giving up any infomation volunterly thats wasnt directly asked of me by the msha inspector

And the only thing thats was asked that i told him was about the Ground testing documentation

2/14 11:36 AM

Yep, I didn't think you did or would.

## Payroll Details

Hours and Earnings				Taxes		Deductions			Employer	
Description	Hours	Rate	Amount	Tax	Amount	Deduction	Amount	Net Pay	Liability	Amount
<b>Pay Frequency: Biweekly</b>										
<b>Employee: Baumann, Robert</b>				<b>SSN: xxx-xx-6385</b>						
Regular	1,601.50	20.0000	32,030.00	FED FIT	3,373.70			26,577.90	FED SOCSEC-ER	2,077.69
Overtime	3.00	30.0000	90.00	FED SOCSEC	2,077.69				FED MEDCARE-ER	485.95
Personal	37.56	20.0000	751.20	FED	485.91				FED FUTA	84.00
Holiday	32.00	20.0000	640.00	MEDCARE					MO SUI-ER	229.42
				MO SIT	996.00					
	1,674.06		33,511.20		6,933.30					2,877.06
Check Date: 07/01/2022 / Direct Deposit / Checking / Account No: XXXXX7728 \$886.83										
Check Date: 07/15/2022 / Direct Deposit / Checking / Account No: XXXXX7728 \$1,239.47										
Check Date: 07/29/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,111.88										
Check Date: 08/12/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$969.22										
Check Date: 08/26/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,428.78										
Check Date: 09/09/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,232.44										
Check Date: 09/23/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,104.85										
Check Date: 10/07/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,172.16										
Check Date: 10/21/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,262.58										
Check Date: 11/04/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,180.19										
Check Date: 11/18/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,262.58										
Check Date: 12/02/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,239.48										
Check Date: 12/16/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,202.30										
Check Date: 12/30/2022 / Direct Deposit / Checking / Account No: XXXXXXX5597 \$1,262.58										
Check Date: 01/13/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,272.29										
Check Date: 01/27/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,235.11										
Check Date: 02/10/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,220.05										
Check Date: 02/24/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,272.29										
Check Date: 03/10/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,227.08										
Check Date: 03/24/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,257.22										
Check Date: 04/07/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,257.22										
Check Date: 04/21/2023 / Direct Deposit / Checking / Account No: XXXXXXX1564 \$1,281.30										
<b>Pay Frequency Totals: Biweekly</b>										
Regular	1,601.50		\$32,030.00	FED FIT	\$3,373.70			\$26,577.90	FED SOCSEC-ER	\$2,077.69
Overtime	3.00		\$90.00	FED SOCSEC	\$2,077.69				FED MEDCARE-ER	\$485.95
Personal	37.56		\$751.20	FED	\$485.91				FED FUTA	\$84.00
Holiday	32.00		\$640.00	MEDCARE					MO SUI-ER	\$229.42
				MO SIT	\$996.00					
	1,674.06		\$33,511.20		\$6,933.30					\$2,877.06

Company: Mosencamanufacturer Limited Liabil  
Check dates from: 7/1/2022 - Payroll 1 to: 4/21/2023 - Payroll 1  
Pay Period from: 06/12/2022 to: 04/15/2023

1 of 2

Date Printed: 10/12/2023 11:34  
26967355 - KY/NMC

Exhibit P-4, Page 001

## Payroll Details

Hours and Earnings				Taxes		Deductions			Employer	
Description	Hours	Rate	Amount	Tax	Amount	Deduction	Amount	Net Pay	Liability	Amount
<b>Total Employees - Biweekly: 1</b>										
<b>Company Totals:</b>										
Regular	1,601.50		\$32,030.00	FED FIT	\$3,373.70			\$26,577.90	FED SOCSEC-ER	\$2,077.69
Overtime	3.00		\$90.00	FED SOCSEC	\$2,077.69				FED MEDCARE-ER	\$485.95
Personal	37.56		\$751.20	FED	\$485.91				FED FUTA	\$84.00
Holiday	32.00		\$640.00	MEDCARE					MO SUI-ER	\$229.42
				MO SIT	\$996.00					
	1,674.06		\$33,511.20		\$6,933.30					\$2,877.06
<b>Total Employees - Company: 1</b>										

Company: Mosenecamanufacturer Limited Liabil  
Check dates from: 7/1/2022 - Payroll 1 to: 4/21/2023 - Payroll 1  
Pay Period from: 06/12/2022 to: 04/15/2023

2 of 2

Date Printed: 10/12/2023 11:34  
26967355 - KY/NMC

Exhibit P-4, Page 002

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**RESPONDENT RESPONSE TO ACTING SECRETARY OF LABOR'S FOURTH  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce the document, attached hereto as Exhibit A, which was produced by Respondent in docket CENT 2023-0196 in response to discovery, for the time period of January 1, 2022 through August 1, 2023. As the time period of November 3, 2022 through March 31, 2023 has already been produced in Exhibit A, to the extent it is easier to exclude these time periods from this production, that is acceptable.

RESPONSE: Attached is the document, labeled “Daily Production JAN 2022 - NOV 3 2022 AND APR 2023 - AUG 2023.xlsx” with the time periods as requested, January 1, 2022 – November 3, 2022, and April 1, 2023 – August 1, 2023.

**From:** [Russell Tidaback](#)  
**To:** [Boyd, Randall L. - MSHA](#)  
**Subject:** Re: COVID 19 Default Order CENT 2023-0098  
**Date:** Monday, November 13, 2023 11:01:39 AM  
**Attachments:** [image001.png](#)

---

Ok, thanks for letting me know.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**From:** Boyd, Randall L. - MSHA <Boyd.Randall@DOL.GOV>  
**Sent:** Monday, November 13, 2023 10:54:49 AM  
**To:** Russell Tidaback <RTidaback@deedyco.com>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098

Noone was listed when checked this morning.

***Randall L. Boyd***  
Supervisory Special Investigations  
Supervisory Conference & Litigation  
Madisonville, Ky. District  
270-245-3728  
[boyd.randall@dol.gov](mailto:boyd.randall@dol.gov)

---

**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Monday, November 13, 2023 10:45 AM  
**To:** Boyd, Randall L. - MSHA <Boyd.Randall@DOL.GOV>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Thanks for the quick response. Is there anyone listed as a miners rep? As I am aware there aren't.

**Russell Tidaback**  
Managing Member



[AmericanTripoli.com](http://AmericanTripoli.com)

---

**From:** Boyd, Randall L. - MSHA <[Boyd.Randall@DOL.GOV](mailto:Boyd.Randall@DOL.GOV)>

**Sent:** Monday, November 13, 2023 10:32 AM

**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Subject:** RE: COVID 19 Default Order CENT 2023-0098

When checked this morning, it appears these gentlemen are no longer listed as miners reps. To answer your 2<sup>nd</sup> question, persons who ask for miners representation have the right to be confidential from the company they work. Hope this helps!

Best Regards,  
Randy

***Randall L. Boyd***

Supervisory Special Investigations  
Supervisory Conference & Litigation  
Madisonville, Ky. District  
270-245-3728  
[boyd.randall@dol.gov](mailto:boyd.randall@dol.gov)

---

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Sent:** Sunday, November 12, 2023 1:38 PM

**To:** Boyd, Randall L. - MSHA <[Boyd.Randall@DOL.GOV](mailto:Boyd.Randall@DOL.GOV)>

**Cc:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>

**Subject:** RE: COVID 19 Default Order CENT 2023-0098

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Hi Mr. Boyd,

Did Mr. Drake, Randy or Max, contact you? They were advised, I am just following up.

also, what did you mean by “**confidential represented miners**”?

Russell

---

**From:** Boyd, Randall L. - MSHA <[Boyd.Randall@DOL.GOV](mailto:Boyd.Randall@DOL.GOV)>  
**Sent:** Friday, June 2, 2023 6:53 AM  
**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Cc:** Simms, Robert A - MSHA <[Simms.Robert@DOL.GOV](mailto:Simms.Robert@DOL.GOV)>; Barnwell, William L - MSHA <[Barnwell.William@DOL.GOV](mailto:Barnwell.William@DOL.GOV)>; West, David R - MSHA <[West.David@DOL.GOV](mailto:West.David@DOL.GOV)>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098

He can reach me at 270-245-3728.

Thank you sir,  
Randy

***Randall L. Boyd***  
Supervisory Special Investigations  
Supervisory Conference & Litigation  
Madisonville, Ky. District  
270-245-3728  
[boyd.randall@dol.gov](mailto:boyd.randall@dol.gov)

---

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Wednesday, May 31, 2023 12:08 PM  
**To:** Boyd, Randall L. - MSHA <[Boyd.Randall@DOL.GOV](mailto:Boyd.Randall@DOL.GOV)>  
**Cc:** Barnwell, William L - MSHA <[Barnwell.William@DOL.GOV](mailto:Barnwell.William@DOL.GOV)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Mr. Boyd, Attachment received. Thank you.

With Max Drake, since he doesn't use a computer, how do you want us to advise him to contact you regarding being taken off as a miners rep?

Current American Tripoli Employee Roster

John Spears – Operations Manager  
Max Drake – *Contractor*/Heavy equipment operator  
Brian Schmidt – Heavy equipment operator



Jessie Molesi – Safety and Environmental tech  
Ryan Closser – Maintenance  
Jeremy Talbert – Maintenance  
Jim Hoover – Machine Operator  
Patrick Lewis - Machine Operator  
RJ Williams - Machine Operator

**Russell Tidaback**

Managing Member



[AmericanTripoli.com](http://AmericanTripoli.com)

---

**From:** Boyd, Randall L. - MSHA <[Boyd.Randall@DOL.GOV](mailto:Boyd.Randall@DOL.GOV)>  
**Sent:** Wednesday, May 31, 2023 11:37 AM  
**To:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Cc:** Barnwell, William L - MSHA <[Barnwell.William@DOL.GOV](mailto:Barnwell.William@DOL.GOV)>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098

Mr. Tidaback, please see the answers to your questions in red below. I have attached the petition which has the citation in question you asked about.

***Randall L. Boyd***

Supervisory Special Investigations  
Supervisory Conference & Litigation  
Madisonville, Ky. District  
270-245-3728  
[boyd.randall@dol.gov](mailto:boyd.randall@dol.gov)

---

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Wednesday, May 24, 2023 12:35 PM  
**To:** Boyd, Randall L. - MSHA <[Boyd.Randall@DOL.GOV](mailto:Boyd.Randall@DOL.GOV)>  
**Cc:** Sparks, Doyle - MSHA <[Sparks.Doyle@DOL.GOV](mailto:Sparks.Doyle@DOL.GOV)>; Zeman, Norman J - MSHA <[Zeman.Norman@DOL.GOV](mailto:Zeman.Norman@DOL.GOV)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098

**Importance:** High

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Hello Mr. Boyd.

Sorry to bother you. I asked Mr. Zeman; he tried but didn't have access to find out and referred me to you.

Can you send us the citation/order for CENT 2023-0098 (attached)?

Also, can you guide me on how to :

1. lookup on the MSHA website, for example, the attached. I don't know what citation/order(s) this is for. If I could find it online, I wouldn't have to bother you guys.

You will not find any information concerning decisions issued by a judge on the MSHA website. You might start with Marcus Hughes at the Federal Mine Safety & Health Review Commission, 1331 Pennsylvania Ave., NW, Suite 520N, in Washington, DC 20004-1710, (p) 202.233.4011

2. Remove Max Drake and Randy Drake from our records. These gentlemen are listed as Miner's representatives on the attached but retired decades ago and have asked to be removed.

Max and Randy Drake are responsible for informing the District manager when they are unable to comply with the requirements of Part 40.3. At that point, MSHA will remove them from their designation. They do not have to be an employee to still be a miners rep. However, if you will send me your current employee roster, I will check our records to see if the confidential represented miners are still in fact employed. If they turn out to no longer work for American Tripoli, I will gladly handle working on your request for you.

I appreciate your help.

**Russell Tidaback**

Managing Member



[AmericanTripoli.com](http://AmericanTripoli.com)

---

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Monday, May 22, 2023 11:33 AM  
**To:** [Sparks.Doyle@dol.gov](mailto:Sparks.Doyle@dol.gov)  
**Cc:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Subject:** RE: COVID 19 Default Order CENT 2023-0098  
**Importance:** High

Hello Mr. Sparks,

Please remind me, what citation/order(s) is this for?

**Russell Tidaback**

Managing Member



[AmericanTripoli.com](http://AmericanTripoli.com)

---

**From:** Marcus Hughes <[mhughes@fmshrc.gov](mailto:mhughes@fmshrc.gov)>  
**Sent:** Tuesday, May 16, 2023 9:46 AM  
**To:** [Sparks.Doyle@dol.gov](mailto:Sparks.Doyle@dol.gov); Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Subject:** COVID 19 Default Order CENT 2023-0098

Hello,

Please see attached COV19 Default Order. Thank you.

***At this time, most case issuances of the Federal Mine Safety and Health Review Commission (FMSHRC), including inter alia notices, decision, and orders, will be sent only through electronic mail.***

***Further, FMSHRC will not be monitoring incoming physical mail or facsimile describer in 29 CFR 2700.5(c) (2). If possible, all filings should be e-filed as described in 29 CFR 2700.5(c)(1).***

***Marcus Hughes  
Federal Mine Safety & Health Review Commission  
1331 Pennsylvania Ave., NW, Suite 520N***

*Washington, DC 20004-1710*  
*(p) 202.233.4011*

## Reset Form

## Representative of Miners Designation Form

U.S. Department of Labor  
Mine Safety and Health Administration

Approved OMB Control Number 1219-0042, is approved for use through 12/31/2023

Purpose: 30 CFR 40.3 authorizes a written declaration of any person or organization which represents two or more miners at a coal or other mine.

Public reporting burden for this collection of information estimated to average 45 minutes per response; including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to this collection of information unless it displays a current OMB Control Number. The DOL offers no pledge of confidentiality in association with these information collections unless Item 2 is checked and DOL will keep the miners' names and contact information confidential (Item 7) if Item 2 is checked. Section 103(f) and (g) of the Federal Mine Safety and Health Act, as amended, (30 U.S.C. § 813(f) and (g)) and 43 FR 29508, 29509. As a practical matter, the DOL would only release this information in accordance with provisions of the Freedom of Information Act (5 U.S.C. § 552); the Privacy Act (5 U.S.C. § 552a); and attendant regulations, 29 C.F.R. parts 70 and 71. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: **Office of Standards, Regulation and Variances, Mine Safety and Health Administration, 201 12th Street South, Suite 401, Arlington, VA 22202-5452. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.** Instructions for this form contain further information on the need and use of this form. A false or representation is punishable under Section 110(a) and (f) of the Federal Mine Safety and Health Act, as amended (30 U.S.C. § 820 (a) and (f)).

Item 1: ☒ Initial Filing ☐ Update ☐ UnknownItem 2: ☒ ConfidentialItem 3: Designation Type: ☒ Individual ☐ Organization

Representative Name: Rob Baumann Title: Production Supervisor  
 Address: 939 S. Park Dr  
 City: Columbus State: KS Zip Code: 66725  
 Telephone: (417) 356 0770 Email: baumanr24@Gmail.com

Item 4: Mine Operator's or Contractor's Name: American TripoliMine Address: 222 Oneida St., Seneca, MO 64865Mine MSHA ID No.: 23-00504Item 5: Scope of Designation: ☒ The person or position named as the representative of miners is the representative for all purposes of the Act.

☐ The representative's authority is limited to: ☐ 101 (c)  
☐ 103 (c)  
☐ Other \_\_\_\_\_

Item 6: Additional or Alternate Representatives: ☐

1. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

2. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Item 7. Designated By: (Name of two or more miners who work at the mine)

I certify that I have been designated as representative by at least two miners who work at the mine. I certify that all information being filed is true and correct. A copy of this form has been delivered to the mine operator of the affected mine prior to or concurrently to the filing of this statement.

Signed: Robt BaumannDate: 3-21-2023

Unknown User 2/14 11:33 AM



Well just make myself absolutely clear i wasn't giving up any information voluntarily that wasn't directly asked of me by the msha inspector

And the only thing that was asked that i told him was about the Ground testing documentation

2/14 11:36 AM

Yep, I didn't think you did or would.

Unknown User 2/14 11:40 AM



Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill, I'll be the person who talks to me inspector.

Then what's this about and when i asked about it John said he didn't want me volunteering information because of the question i asked about a certain code to keep our Business in compliance with msha

2/14 11:48 AM

Ah... makes sense.

Gage Wheeler Mike Peterson from Premier Tech is going to call you to help with the bagger.

Jordan Tidaback 2/14 11:49 AM



Hi Gage, we spoke with John about that. You are absolutely allowed to answer questions the MSHA inspector has (obviously). I think John may have meant don't just go up to him and point out everything under the sun. We've had people do that, knowing very well it's an issue being worked on.

The Ops Mgr and maintenance person usually work hand in hand when the inspector is there so we can fix the simple things quickly on site before he leaves.

Hope that makes sense? I know having the inspector there makes for a tense environment, but you guys are a good team and we are all trying our best to get ahead of all the things that need fixed.

February 15



Name	Inspection Date	Time	Examine the breakroom, note any safety issues.	Examine the Production Floor east storage area. Note any safety issues.	Examine the loading dock. Note any safety issues.
Bonnie Bainter	6/21/2022	8:00	Floor 1 could use some attention around the tube mill, along with floor 2 around bagger west side.	Yes	
Bonnie Bainter	6/22/2022	8:30 am	Area around tube mill needs to be cleaned up	Yes	
Bonnie Bainter	6/23/2022	8:00	Better	Yes	
Bonnie Bainter	6/24/2022	8:30 am	Mill is down for housekeeping and maintenance	Mill is down	
Bonnie Bainter	6/27/2022	8:00	1st floor needs attention around the tube mill. 2nd floor needs attention around the west stairway.	Yes	
Bonnie Bainter	6/28/2022	8:00	Okay	Yes	
Bonnie Bainter	6/29/2022	8:00	Around Tube mill a little attention please	Yes	
Bonnie Bainter	6/30/2022	08:00	1-3 & 4th look good 2 could use some help.	Yes	
Bonnie Bainter	7/5/2022	8:00	okay	Mill is down	
Bonnie Bainter	7/14/2022	8:00	HOLIDAY	HOLIDAY	
Bonnie Bainter	7/15/2022	8:00	Working on it, mill is down	Good	
Bonnie Bainter	7/16/2022	8:00	Okay	Good	
Bonnie Bainter	7/17/2022	8:00	1st floor needs a little attention	Good	
Bonnie Bainter	7/18/2022	8:00	Okay	Good	
Bonnie Bainter	7/18/2022	8:00	2nd floor around the bagger please address	Good	
Bonnie Bainter	7/11/2022	08:00	Mill is down so housekeeping is priority today	yes	
Bonnie Bainter	7/12/2022	8:00	Looks good	Yes	
Bonnie Bainter	7/13/2022	8:00	Looks really good	Yes	
Bonnie Bainter	7/14/2022	8:00	Looks good	Yes	
Bonnie Bainter	7/15/2022	8:00	Looks good	Yes	
Bonnie Bainter	7/18/2022	8:00	Mill is down, although mill looks good	Mill is down	
Bonnie Bainter	7/19/2022	7:30	Could use a little attention around the tube mill. The rest looks good.	Yes	
Bonnie Bainter	7/20/2022	8:00	Okay	Mill is down	
Bonnie Bainter	7/21/2022	8:00	Okay	Okay	
Bonnie Bainter	7/23/2022	10:30	Looks Good	Good	
Bonnie Bainter	7/25/2022	08:00	Looks Good	Good	
Bonnie Bainter	7/26/2022	8:00	Looks Good	Good	
Bonnie Bainter	7/27/2022	8:00	2nd floor could use a little attention	Good	
Bonnie Bainter	7/28/2022	8:00	Mill is down	Mill is down	
Bonnie Bainter	7/29/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/1/2022	9:00	Okay	Mill is down for maintenance	
Bonnie Bainter	8/4/2022	08:30	Mill is down	Mill is down	
Bonnie Bainter	8/5/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/12/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/5/2022	8:00	Mill is down	Mill is down	
Bonnie Bainter	8/8/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/9/2022	8:30 am	Good	Good	
Bonnie Bainter	8/10/2022	8:30 am	Good	Good	
Bonnie Bainter	8/11/2022	8:30 am	Good	Good	
Bonnie Bainter	8/12/2022	8:00	Could use a little attention	Good	
Bonnie Bainter	8/15/2022	8:00	Some attention needed around the east door	Good	
Bonnie Bainter	8/16/2022	08:00	Good	Good	
Bonnie Bainter	8/17/2022	07:30	A little attention on the 1st floor please	Good	
Bonnie Bainter	8/18/2022	8:30 am	In the process of cleaning	Good	
Bonnie Bainter	8/19/2022	07:00	Need a little attention by the cyclones	Good	
Bonnie Bainter	8/22/2022	8:30 am	Good	Good	
Bonnie Bainter	8/23/2022	8:00	Needs some attention on 1st floor	Good	
Bonnie Bainter	8/26/2022	8:00	Good	Good	
Bonnie Bainter	8/22/2022	8:00	Good	Good	
Bonnie Bainter	8/23/2022	8:00	Under cyclone could use some attention	Good	
Bonnie Bainter	8/24/2022	8:00	Both 1st and 2nd floor need help	Good	
Jordan Tidaback	8/26/2022	1:30pm	test	test	
Bonnie Bainter	8/28/2022	07:00	Good	Put guard back on tube mill motor before starting it.	
Bonnie Bainter	8/30/2022	7:00	Good	Mill is down	
John Spears	11/7/2022	09:45	Splashed product needs swept up. Crew working on that. First and third floor	Flange bearing on outside scroll needs cover reinstalled. Maintenance crew advised.	
John Spears	11/8/2022	09:30	Material around crusher elevator. Crew placed excess back into holding tank.	Fabricating a couple of new guards for MSHA.	
John Spears	11/18/2022	10:32 am	In process of gathering useful material.	All in place.	
Rob Baumann	11/21/2022	10:00 AM	Satisfactory	All in place	
Rob Baumann	11/22/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	11/23/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	11/28/2022	8:00 AM	Satisfactory	In place	
Rob Baumann	11/29/2022	8:00 AM	Satisfactory	In place	
Rob Baumann	11/30/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/1/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/2/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/5/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/6/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/7/2022	8:30AM	Satisfactory	All in place	
Rob Baumann	12/8/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/9/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/12/2022	8:15 AM	Satisfactory	All in place	
Rob Baumann	12/12/2022	8:00 am	Satisfactory	All in place	
Rob Baumann	12/13/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/14/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/15/2022	7:30 AM	Satisfactory	All in place	
Rob Baumann	12/16/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/19/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/20/2022	7:30 AM	Satisfactory	All in place	
Rob Baumann	12/21/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/22/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/26/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/27/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/28/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/30/2022	8:00	satisfactory	All in place	
Rob Baumann	1/2/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/3/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/4/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/6/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/17/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/18/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/19/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/23/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/24/2023	8:00 AM	Satisfactory	all in place	
Rob Baumann	2/7/2023	8:00 AM	Satisfactory	Covers off breaker boxes open electrical panels maint contacted	
Rob Baumann	2/8/2023	8:00 AM	Satisfactory	Guards in place covers need put on breaker box	
Rob Baumann	2/9/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	2/10/2023	8:00 AM	Satisfactory	All in place but have an open electrical panel that needs fixed	
Rob Baumann	2/13/2023	8:00 AM	Sastisfactory	All in place	
Ronnell Fondren	3/3/2023	0940	No Safety hazard in breakroom	Hole in floor 3/4 steel plate on top of the hole	No safety hazards
Jim Hoover	3/7/2023	10:27AM	no issues JH	no issue JH	
RJ Williams	3/7/2023	8:45	All Good	All Good	All Good
Ronnell Fondren	3/6/2023	0915	Good	Hole in the floor by break room	Concrete has cracks could be a potential trip hazard
RJ Williams	3/7/2023	8:08 AM	All Good	All Good	All Good
Ronnell Fondren	3/7/2023	0832	Fair condition	Crack in the floor and hole with plate covering it	Crack in the floor
Patrick Lewis	3/7/2023	8:35 AM	Shifty walls. Other than that in order.	As usual only out of the norm is the concrete foundation deterioration and the hole under the steel plate	Separation/ deterioration of concrete foundation
Ronnell Fondren	3/8/2023	0831	Fair condition	Fair condition	Fair condition
RJ Williams	3/8/2023	9:00	Good	Good	Good
Patrick Lewis	3/8/2023	10:10 AM	Walls need repaired	Concrete foundation issues	Concrete separation
Ronnell Fondren	3/9/2023	0804	Clean	Fair condition	Fair condition
RJ Williams	3/9/2023	8:45	Good	Good	Good
Patrick Lewis	3/9/2023	8:57 AM	Same as aforementioned previously	Same as the previous days inspection	Same as previous days inspection
Jim Hoover	3/9/2023	8:00am	Good	Good	Good
RJ Williams	3/10/2023	8:15	Good	Good	Good
Ronnell Fondren	3/10/2023	0815	Clean	Fair condition	Fair condition
Patrick Lewis	3/10/2023	8:49 AM	No concerns.	As previously stated.	Concrete deterioration
Jim Hoover	3/10/2023	8:00am	Good	Good	Good
RJ Williams	3/13/2023	8:37	Good	Good	Good
Ronnell Fondren	3/13/2023	0841	Clean	Fair condition	Fair condition
Ronnell Fondren	3/14/2023	0801	Clean	Fair condition	Fair condition
Ronnell Fondren	3/15/2023	0752	Clean	Fair condition	Fair condition
RJ Williams	3/15/2023	8:54	Good	Good	Good
Patrick Lewis	3/15/2023	2:33 PM	No issues to report	No concerns to report	Concrete deteriorating
Patrick Lewis	3/16/2023	8:10 AM	No concerns	No concerns	No concern
Ronnell Fondren	3/17/2023	0802	Clean	Fair	Fair
RJ Williams	3/21/2023	8:21	Good	Good	Good
Jim Hoover	3/21/2023	8:30am	Good	Good	Good
Ronnell Fondren	3/22/2023	0807	Clean	Fair	Fair
RJ Williams	3/22/2023	8:19	Good	Good	Good
Patrick Lewis	3/22/2023	8:20 AM	No concerns	No concerns	No concerns
Patrick Lewis	3/23/2023	5:05 PM	No concerns	No concerns	No concerns
Jim Hoover	3/23/2023	8:30 AM	Good	Good	Good
Jim Hoover	3/22/2023	8:30am	Good	Good	Good
Ronnell Fondren	3/24/2023	0828	Clean	Fair	Fair
RJ Williams	3/27/2023	8:00	Good	Good	Good
Ronnell Fondren	3/28/2023	0745	Clean	Fair	Fair
Ronnell Fondren	3/30/2023	0808	Clean	Fair	Fair
RJ Williams	3/30/2023	8:50	Good	Good	Good
Ronnell Fondren	3/31/2023	0742	Clean	Fair	Fair
Ronnell Fondren	3/31/2023	0822	Clean	Fair	Fair
RJ Williams	3/31/2023	8:22	Watched videos for severe weather safety	Good	Good
Patrick Lewis	3/31/2023	8:31 AM	No concerns	No concerns	No concerns
RJ Williams	4/4/2023	8:07	Good	Good	Good
RJ Williams	4/5/2023	8:55	Good	Good	Good
Ronnell Fondren	4/6/2023	0800	Dirty	Fair	Fair
RJ Williams	4/6/2023	8:30	Good	Good	Good
Patrick Lewis	4/6/2023	9:54 AM	No concerns	No concerns	No concerns
RJ Williams	4/7/2023	8:40	Good	Good	Good
Patrick Lewis	4/10/2023	8:38 AM	No concerns	No concerns	No concerns
RJ Williams	4/11/2023	8:11	Good	Good	Good







Start time	Name	Turn of the Production Floor Lighting. Note any safety issues.	Examine the Breakroom. Note any safety issues.
3/3/23 9:54:01	Rob Baumann	All in working order	Satisfactory
3/6/23 8:16:40	Rob Baumann	Good	Good
3/7/23 8:10:55	Rob Baumann	Good	Good
3/8/23 8:35:37	Rob Baumann	Good	Good
3/8/23 9:59:35	RJ Williams	Good	Good
3/9/23 8:12:08	Rob Baumann	Good	Good
3/10/23 8:16:16	RJ Williams	Good	Good
3/10/23 8:15:39	Rob Baumann	Good	Good
3/13/23 9:12:34	Rob Baumann	Good	Good
3/15/23 8:55:46	RJ Williams	Good	Good
3/15/23 9:01:30	Rob Baumann	Good ,watched lockout msha video	Good
3/16/23 8:31:39	Rob Baumann	Good	Good
3/17/23 8:46:39	Rob Baumann	Good	Good
3/20/23 7:52:07	Rob Baumann	Good	Good
3/21/23 8:15:46	Rob Baumann	Good	Good
3/23/23 9:02:40	Rob Baumann	Good	Good
3/23/23 17:04:01	John Spears	None observed.	None observed.
3/24/23 8:33:17	RJ Williams	Good	Good
3/27/23 8:01:58	RJ Williams	Good	Good
3/27/23 11:51:29	John Spears	None observed.	None observed.
3/28/23 13:41:42	Rob Baumann	Good	Good
3/30/23 11:21:56	Rob Baumann	Ok	Ok
3/31/23 8:54:00	Rob Baumann	Ok	Ok
4/3/23 10:07:09	Rob Baumann	Ok	Ok
4/4/23 10:50:33	John Spears	None observed	None observed
4/6/23 7:28:05	Rob Baumann	Ok	Ok
4/7/23 15:13:58	Rob Baumann	Ok	Ok

Examine the Control Room. Note any safety issues.	Examine the East Warehouse area. Note any safety issues.	Examine the Palletizer area. Note any safety issues.
Good	Satisfactory	Not in use
Good	Good	Not in use good
Good	Good	Good not in use
Good	Good	Not in use
Good	Good	Good
Good	Good	Not in use
Good	Good	Good
Good	Good	Not in use
Good	Good	Good not in use
Good	Good	Good
Good	Good	Good not in use
Good	Good	Bare electrical wires exposed out of floor area closed off
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	Out of commission. LOTO
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

Examine the Bagger area. Note any safety issues.	Examine the Production hold area. Note any safety issues.	Examine the Bathroom. Note any safety issues.
Not in use	Satisfactory	Satisfactory
Not in use good	Not running good	Good
Locked out roped off for maintenance	Good	Good
Being worked on roped off	Good	Good
Good	Good	Good
Bulk bagger good 100 pound bagger area roped off for repairs	Good	Good
Good	Good	Good & clean
Bulk bag area good packer taped off for repair	Good	Good
Good on bulk roped off on 100 pound packer for repairs	Good	Good
Good	Good	Good
100 pound packer roped off for repairs bulk feeder is good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

Examine the West Warehouse area. Note any safety issues.	Examine the Dumpster platform area. Note any safety issues.	Examine the First floor Classifier area. Note any safety issues.
Satisfactory	Dumpster area ok	Satisfactory
Good	Good	Product piled up at bottom of elevator but being worked on and not in use
Good	Good	Flour elevator being worked on it is locked out
Good	Good	Good but finish flour elevator locked out being worked on
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

Examine the Oil room area. Note any safety issues.	Examine the Air Compressor area. Note any safety issues.	Examine the Tube Mill area. Note any safety issues.
Good	Panel shut good to go	Satisfactory
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Product in pathway
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok


Examine the Elevator area. Note any safety issues.	Examine the Crusher Room area. Note any safety issues.	Examine the Crusher Ramp and Hopper area. Note any safety issues.
Satisfactory	Good not in use	Gate closed
Good	Good not in use	Good
Not in use	Good	Good
Not in use	Good	Good
Good	Good	Good
Not in use	Good	Good
Good	Good	Good
Out of service	Good	Good
Not in use	Good	Good
Good	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Not in use today will need cleaned before crushing rock	Good
Not in use	Good	Ramp gate left open creating a danger, closed and locked gate
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Not in use	Good	Good
Not in use	Ok	Ok
Not in use	Ok	Ok
Not in use	Ok	Ok
None observed	None observed	None observed
Not in use	Ok	Ok
Not in use	Ok	Ok

Examine the Dust Collector System area. Note any safety issues.	Examine the Loading dock area. Note any safety issues.	Examine the Warehouse A. Note any safety issues.
Swept and ready	Satisfactory	Good
Working to replace conduit outside not being used	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Ok	Ok
Good	Ok	Ok
Good	Ok	Ok
Good	None observed	None observed
Good	Ok	Ok
Broken conduit outside by lil mac	Ok	Ok




Examine the Warehouse B. Note any safety issues.	Examine the Longterm storage warehouse. Note any safety issues.	Examine the Rail ramp area. Note any safety issues.
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good & secure
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

 ATMO Safety | You, Don, John, +2

 John Spears 9/25 8:00 AM


Russell Tidaback Joshua Townsend John Spears Please ensure the **MSHA** Inspectors sign in to our visitor log, just like any other visitor, per **MSHA** - Metal and Nonmetal General Inspection Procedures Handbook - PH13-IV-1 ... Will do.

 ATMO Safety | You, Don, John, +2


 John Spears 8/29 1:01 PM


Joshua Townsend let the **MSHA** guys know that the burms are complete.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 7/6 11:55 AM


Headed to the drying sheds with **MSHA**. And quarry.

 Mill Group Chat | You, Brian, Don, +10


 John Spears 6/26 2:09 PM


Russell Tidaback You should expect **MSHA** to be diligently looking in the causes of this fatality at our location. That would not surprise me that we would be picked out.

 ATMO Safety | You, Don, John, +2

 John Spears 5/30 10:50 AM


Jessie Molesi I calibrated the Escort Elf pumps and we have 6 operational ones that all ran and calibrated within **MSHA** standards of 1.7 LPM. 3 of the bad ones have deficient batteries that cannot hold a charge and the... Good deal. We should be able to run another good test.

 ATMO Safety | You, Don, John, +2

 John Spears 4/18 4:22 PM


Russell Tidaback perfect, then it shouldnt take tooo long. 😊 Then we play the whole waiting game on **MSHA**... Yes sir you are probably correct. Hurry up and wait.

 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 4/16 8:45 PM


**MSHA** is supposed to be at the mill in the morning to turn on the power. The mill is still shut down until we get the PAPRs.

 ATMO Safety | You, Don, John, +2

 John Spears 4/14 2:07 PM


...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any **MSHA** inspector really. Michael Van Dorn - Ex-**MSHA** employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said...

 ATMO Safety | You, Don, John, +2

 John Spears 4/14 1:56 PM


...As for the Withdrawal Order question... we will wait until we get clarification from **MSHA**. I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines. Us sending mill associates home was because no production capability no.....

 ATMO Safety | You, Don, John, +2


 John Spears 4/13 3:53 PM


We'll need at least 4 units. I'm afraid **MSHA** will ask us about the maintenance personnel. I'm sure they'll be next to be tested.

 ATMO Safety | You, Don, John, +2

 John Spears 4/13 3:07 PM


...I like this model. The main question is what kind of filter do we need to meet the requirements for particulate size? Since P-100 mask are only good down to .3 micron and that's not good enough for **MSHA**. I'm researching filter cans now.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 3/31 8:35 AM


Everyone. This is an **MSHA** Citation. Please re-hang all air hoses when finished using them. Everyone please respond.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 3/14 8:06 AM


Jordan Tidaback Robert Baumann is this in reference to the horn? If so, I'll email the **MSHA** guys and get that citation terminated. Yes. The forklift is ready for use.

 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 2/14 6:35 AM


Gage Wheeler do not answer any questions about the that the **MSHA** inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 1/16 10:21 AM

Be sure to complete the Workplace Exam and be sure to have the crew do the forklift exam as well. I'm afraid this is where **MSHA** will go next. Thanks.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 1/11 8:26 AM

Robert Baumann John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg We're in **MSHA** training. She'll make them on our break in a little while. Thanks.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 11/22/22 5:17 PM

Sure thing. Sounds good. I'm pretty sure we have smoothed things over with the **MSHA** inspectors. Bryceton is finishing up a couple welding repairs in the morning and that should be the final items on the list. We now have furnace heat in the office building as well. Jim is finished with the tube mill....



ATMO - Mill Mgmt | You, Don, John, +2



John Spears 11/9/22 5:11 PM

...Mr. Barlow and I have abated several of **MSHA**'s concerns. We'll keep plugging away at them. Craig from Bearing HQ is still looking for a less expensive bearing for the outside flour elevator. His only concern is the length of the base. I'm sure I can make an 11 inch base work for us....



Mill Group Chat | You, Brian, Don, +10



John Spears 11/8/22 9:56 AM

Russell Tidaback as of now we are bagging product. I have Mr. Barlow and I working on **MSHA** fixes.



Mill Group Chat | You, Brian, Don, +10



John Spears 11/2/22 12:51 PM

We got the fan shaft and installing now. Just broke for about 15 minutes to woof down a sandwich then back at it. **MSHA** was here doing an inspection and a group of mill wrights were here looking at the tube mill. Kinda put us behind a little. should be able to fire up when you get here.



Mill Group Chat | You, Brian, Don, +10



John Spears 10/26/22 3:27 PM

Is Justin Campbell's company email the same format as mine? He was not able to find the **MSHA** coarse. He was wondering if the material was sent to his personal email by chance.

JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**1. Compliance with Regulations:** Throughout the course of our operations, we have consistently prioritized compliance with all relevant regulations and guidelines, particularly those set forth by the Mine Safety and Health Administration (MSHA). We have diligently enforced safety protocols and measures in line with MSHA standards to ensure the safety of our workforce.

**2. Safety Measures and Training:** We have invested significant resources in training and educating our employees, emphasizing safety procedures and the importance of adhering to MSHA regulations. Our commitment to safety extends to providing comprehensive training programs and resources, which we have made available to all our employees, including Mr. Robert Baumann.

**3. Mitigation of Citations:** It is important to note that the mining industry can be inherently challenging in terms of regulatory compliance. Despite our best efforts, occasional citations may occur. Our defense involves demonstrating that we have taken prompt corrective actions in response to any citations received, including addressing safety concerns and implementing necessary changes to prevent recurrence.

**4. Employee Responsibilities:** Employees, including Mr. Baumann, have individual responsibilities under MSHA regulations to ensure their safety and that of their colleagues. These responsibilities include reporting unsafe conditions and practices, complying with safety guidelines, and actively participating in safety training. Our defense highlights the expectations placed on all employees, including Mr. Baumann, in fulfilling these responsibilities.

In conclusion, our defense in this case is built upon our unwavering commitment to safety, compliance, and the well-being of our workforce. The material facts supporting this defense include our rigorous safety measures, training programs, and our proactive approach to

addressing any citations received. We remain steadfast in our dedication to transparency, cooperation, and upholding the highest standards of safety within our operations. We have also included a November 13, 2023 email chain from Mr. Randall Boyd, Supervisory Special Investigations, Supervisory Conference & Litigations, Madisonville district office, stating there is not anyone recorded as a representative of miners at our location as Mr. Baumann has claimed he is/was one.

**INTERROGATORY NO. 5:** Set forth the reasons Robert Baumann was terminated, who participated in the decision to terminate Robert Baumann, and the date such decision was made.

**ANSWER:** A comprehensive response to your request regarding the reasons for the termination of Mr. Robert Baumann, the individuals involved in the decision, and the date when this decision was made. We understand the importance of clarity in this regard and aim to address your concerns.

**Reasons for Termination:**

The decision to terminate Mr. Robert Baumann was based on a combination of factors that collectively led to this outcome. It is important to emphasize that termination of employment is never taken lightly, and the welfare of our employees and the overall safety and efficiency of our operations remain paramount. The following factors contributed to Mr. Baumann's termination:

**Poor Performance:** Mr. Baumann's performance as a shift lead consistently fell below the acceptable standards established for his role. His inability to meet the performance expectations and responsibilities associated with his position was a primary concern.

**Lack of Leadership Skills:** As a shift lead, strong leadership skills are essential for success. Mr. Baumann's performance was hindered by his lack of effective leadership, which was a crucial aspect of his role.



**Failure to Follow Procedures and Guidance:** Despite several attempts to address these issues through coaching, feedback sessions, and open communication channels, Mr. Baumann did not demonstrate any substantial improvement in his performance or attitude. This failure to adapt to guidance and correct his behavior raised significant concerns.

**Safety Concerns:** Safety is a paramount concern in our operations. Mr. Baumann's disregard for safety guidelines, failure to take safety matters seriously, and his actions that created an unsafe work environment for himself and his colleagues were alarming.

**Compliance with Employment-At-Will Doctrine:** It is essential to note that Missouri follows the Employment-At-Will doctrine, allowing both the employer and employee to terminate the employment relationship at any time and for any non-discriminatory reason. This doctrine serves as the legal basis for Mr. Baumann's termination.

**Participants in the Decision:**

The decision to terminate Mr. Baumann was a collective one, involving key members of our management team. While we initially referred to "management personnel" in our previous response, we want to provide you with specific names and titles of the individuals who participated in this decision:

**Russell Tidaback:** As the final decision maker for the company, Mr. Russell Tidaback played a crucial role in the deliberation and final decision-making process.

**Jordan Tidaback:** As a decision maker for the company, Ms. Jordan Tidaback played a crucial role in the deliberation and decision-making process.

**John Spears:** As a member of our management team, Mr. John Spears was also involved in the decision-making process.

**Date of the Decision:**

The decision to terminate Mr. Baumann was reached during the evening of April 16, 2023. We recognize the importance of providing an exact date, and we sincerely apologize for any previous lack of specificity on this matter.

In conclusion, we hope this elaboration provides the clarity and detail you seek regarding Mr. Baumann's termination. We remain committed to cooperation and transparency throughout this process and appreciate your diligence in seeking this information.

DECLARATION

I, RUSSELL TIDABACK state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: RUSSELL TIDABACK

Title: MANAGING MEMBER

Dated: 20NOV2023

## **FIRST DISCOVERY REQUESTS**

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

11. Produce the documents reflecting any discipline of Robert Baumann.

RESPONSE: In response to your request, we want to clarify the company's disciplinary process as outlined in our employee handbook. Our progressive discipline process is designed to provide associates with opportunities to address and correct behavior when possible. The handbook explicitly outlines the three steps of increasing severity in this process: verbal warning, formal meeting with a supervisor and written reprimand, and termination. It's important to note that managers have discretion in applying this process and may skip or repeat steps as necessary.

Considering this framework, we must emphasize that Robert Baumann's employment with American Tripoli was "at-will," as is the case with all our employees in the U.S. This means that either the employee or the company may terminate the employment relationship at any time and for any non-discriminatory reason. The termination of Mr. Baumann falls under the category of "for cause termination" as outlined in our handbook.

Regarding your specific request for discipline records for Mr. Baumann, we do not possess traditional documents reflecting discipline actions, such as written reprimands, in this case. The decision to terminate Mr. Baumann was the culmination of ongoing discussions, evaluations, and attempts to address performance issues and safety concerns, which are consistent with our progressive discipline process.

While we do not have written records of discipline actions in this case, we want to assure you that Mr. Baumann's termination was thoroughly assessed and justified based on well-established principles of employment and operational policies. Our commitment to acting fairly and lawfully is unwavering.

24. Produce the documents reflecting any communications, including Microsoft Teams chats, text message, emails, to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine regarding MSHA inspections and/or any MSHA inspectors.

In addition, we ask that you also look for inspectors' names which would include either the first and last name together or just the first name or just the last name:

- Keith and Markeson
- Bryan and Licklider
- Randall or Randy and Hill
- Michael and/or Mike and Van Dorn and/or VanDorn
- David and/or Dave and Prewett
- Michael and/or Doc and Dillingham
- Shawn and Pratt
- Adam and Larkins
- Also inspector would be another relevant search term.

RESPONSE: In response to Request No. 24, we acknowledge the importance of providing relevant communications pertaining to MSHA inspections and inspectors. However, it is important to note that local communications at our mine, particularly below the level of the operations manager, often occur face-to-face or through other forms of verbal communication rather than electronic messages. As such, while we have made a diligent effort to retrieve electronic communications, we may not have specific messages that directly address MSHA inspections or inspectors. Below are what was found using the terms requested above, please let us know if you need further details surrounding any specific date & time message:

**Keith:**



ATMO Safety | You, Don, John, +2



John Spears 4/14 2:07 PM

...Im telling you guys... **Keith** is a snake... be cautious on what you say to and around him. Any MSHA inspector really....employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on **Keith**, Mr Pratt, etc. He said he would help us in any w.....



ATMO Safety | You, Don, John, +2



You 4/14 10:50 AM

Jessie Molesi thanks for including me in on emails to **Keith**... im responding now.




ATMO Safety | You, Don, John, +2




You 4/14 7:16 AM


...once we get the gilirator back from service, do an air sample and let **Keith** know that we'd like an air sample redone based on your recent readings....

 ATMO Safety | You, Don, John, +2


 You 4/14 7:16 AM


...once we get the giliblator back from service, do an air sample and let **Keith** know that we'd like an air sample redone based on your recent readings....

 ATMO Safety | You, Don, John, +2

 You 4/12 2:00 PM

No worries... I want you to research the CFR based on the paperwork **Keith** gave you....I dont want **Keith's** opinion, I want you to research the details. Remember, an inspector is suppose to give you a non-bias, non-opinionated inspection....

 ATMO Safety | You, Don, John, +2


 JM Jessie Molesi 4/12 1:35 PM

I will check with **Keith** to find out what his exact source was and send it to you. I hate being confused and what to make sure I understand

 ATMO Safety | You, Don, John, +2


 You 4/12 1:28 PM

**Keith** likes to add too much of his own opinion rather than keeping to what the regulation guidelines are.

 ATMO Safety | You, Don, John, +2


 You 4/6 10:09 AM


So, Id expect **Keith** on site tomorrow.

 ATMO Safety | You, Don, John, +2


 You 4/6 10:04 AM

I will send **Keith** an email asking for an air resample.

 ATMO Safety | You, Don, John, +2

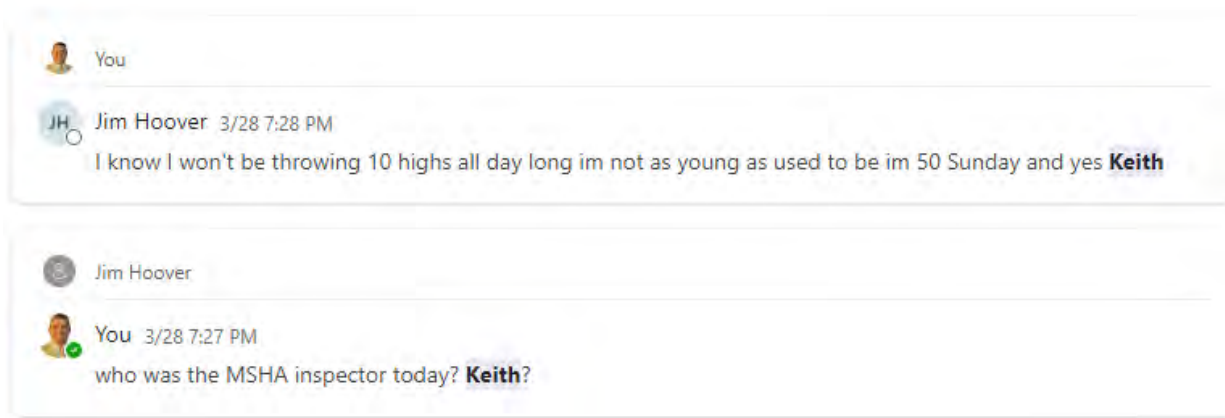
 You 4/3 8:34 AM

yes, the audiogram testing bus... we will have to look up who performed it in the past. It would be best to schedule it for a Wednesday morning. If we can get it scheduled, we can get an extension for the citation from **Keith**. John Spears we may need to assist Jessie with this since he in on Drill orders.

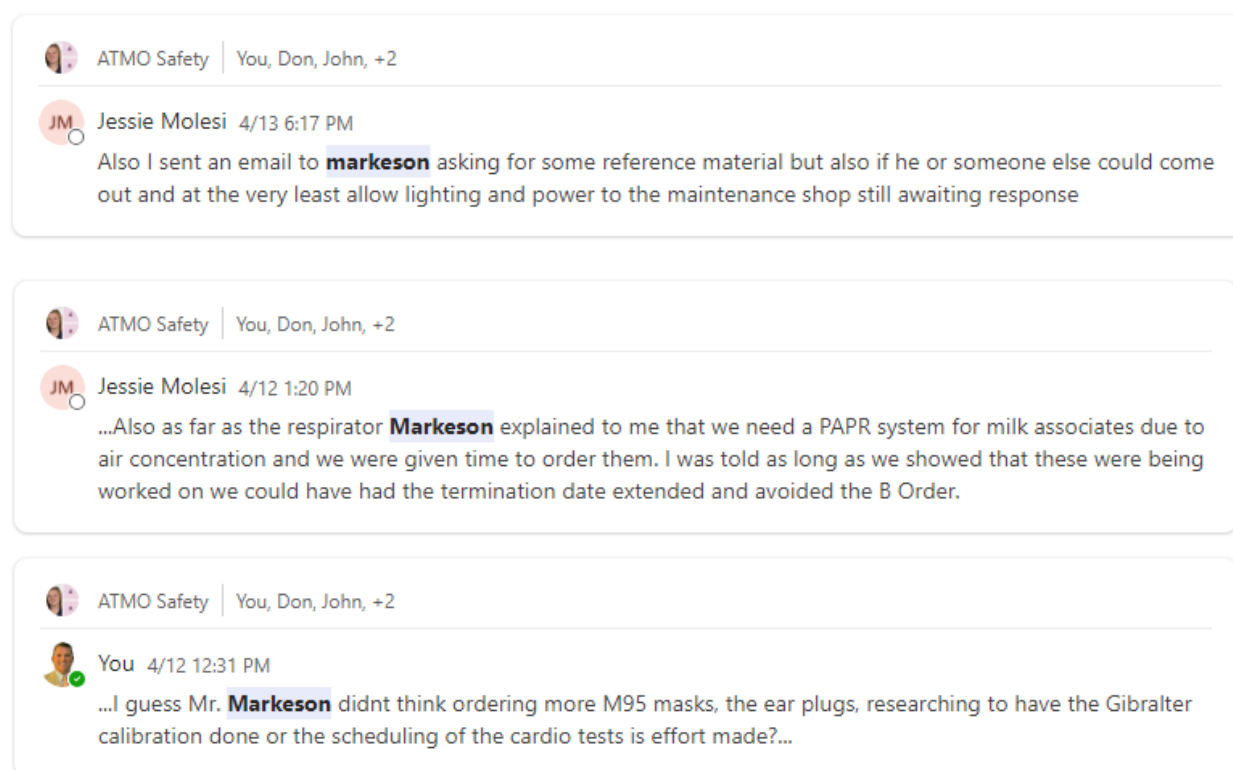
 ATMO Safety | You, Don, John, +2

 You 3/31 11:43 AM

Jessie Molesi **Keith** is a good guy, you may want to connect with him on how to build a good tracking and managing system for the citations.




### Markeson:




**Bryan:** We couldn't find any results for 'Bryan'.



## Licklider:

 ATMO - Maintenance Group | You, Don, Joe, +3


---

 You 2/15 12:14 PM


I sent you my suggestion and responses to the citations. There are a couple we need more clarification on from Mr **licklider**.

**Randall:** We couldn't find any results for 'Randall'.

## Randy:


 You, John and Jordan

---


 Gage Wheeler 1/6 4:44 PM

Did john ever talk to **randy** hill and see if i can come in there when we are not running

## Hill:


 You, John and Jordan

---


 Gage Wheeler 1/6 4:44 PM

Did john ever talk to randy **hill** and see if i can come in there when we are not running

## Michael:


 ATMO Safety | You, Don, John, +2

---


 John Spears 4/14 2:07 PM

...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. **Michael** Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any w.....

 ATMO Safety | You, Don, John, +2

 You 4/14 2:01 PM

...**Michael** Van Dorn - Ex-MSHA employee... good reference 417-684-3288...

 ATMO - Mill Mgmt | You, Don, John, +2

 BB Bonnie Bainter 7/14/22 4:55 PM

...I asked **Michael** today if it is truly a shift will I have to report it as OSHA requires. He started it will need to be reported as a recordable incident....


 ATMO - Mill Mgmt | You, Don, John, +2

 BB Bonnie Bainter 7/6/22 4:17 PM

Just a heads up, I received a call from **Michael** VanDorn our MSHA inspector. He advised that in compliance with the current Silica study each mill that has received violations in the past, are required to undergo an air and noise test....

## Mike:


 You

 JT Jeremy Talbert 4/13 5:39 PM

Im sure you talked to john about **Mike** Vandorn he was my msha guy at my last job and i managed to get to where he is a phone call away if i needed him if you havent call him i think he can help us get around this issue he told me what we needed to do but be better for your or john to call and he would be willing...


## Van Dorn:


 ATMO Safety | You, Don, John, +2

 JS John Spears 4/14 2:07 PM

...Michael **Van Dorn** - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said...Mr. **Van Dorn** was very respectful to the business. He understood that the condition of the equipment, due to age, was going to be very difficult to secure to dustin...

**Vandorn:**

 ATMO - Mill Mgmt | You, Don, John, +2


 Bonnie Bainter 7/6/22 4:17 PM

Just a heads up, I received a call from Michael **VanDorn** our MSHA inspector. He advised that in compliance with the current Silica study each mill that has received violations in the past, are required to undergo an air and noise test....

**David:** We couldn't find any results for 'David'.

**Dave:** We couldn't find any results for 'Dave'.

**Prewett:**

 ATMO - Maintenance Group | You, Don, Joe, +3


 John Spears 2/15 12:14 PM


Russell Tidaback John, do we not have a bulb to put into the socket to abate the light socket issue? Yes we do. But if the lights do not come on we would receive a citation for inadequate lighting. Mr. **Prewett** said a citation would be written either way.

**Doc:** We couldn't find any results for 'Doc'.

**Dillingham:** We couldn't find any results for 'Dillingham'.

**Shawn:**

 ATMO - Maintenance Group | You, Don, Joe, +3

 You 2/15 12:22 PM

Any citation that has been abated, please let me know ASAP. We are suppose to contact Mr. **Shawn** Pratt about each one. So he can verify that it was abated in their system. (think email trail)

## Pratt:



ATMO Safety | You, Don, John, +2



John Spears 4/14 2:07 PM

...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr **Pratt**, etc. He said he would help us in any w.....



ATMO Safety | You, Don, John, +2



You 4/14 2:01 PM

...I spoke with him and he gave me a good run down on Keith, Mr **Pratt**, etc. He said he would help us in any way he can. He retired from MSHA... states he loved the job of helping people but does not agree with the way MSHA does things.



ATMO Safety | You, Don, John, +2



You 4/14 7:16 AM

...I am still a little grey on the whole air resample process, and am inquiring Mr. **Pratt** about it all.....




ATMO Safety | You, Don, John, +2




Jessie Moles 4/13 2:09 PM

The email from Mr. **Pratt**

 ATMO Safety | You, Don, John, +2

 JS John Spears 4/12 1:12 PM

...Doing a "fit test" is useless until we find out what forms of breathing apparatuses we are able to use. I figured Mr. **Pratt** and Mr. Simms would have granted our request before an undue financial burden was placed on us. Because like you said, doctors and equipment just don't happen the next day.

 ATMO Safety | You, Don, John, +2

 You 4/12 12:31 PM


...I tried calling Mr. **Pratt** again, I assume their office is out to lunch. I'll try again after 1pm.

 ATMO Safety | You, Don, John, +2

 You 4/12 12:08 PM

Jessie Molesi Its okay, if he issued the order to be closed down, just scan it to a 12APR2023 folder and let me know when this is completed. I have already spoken with Mr. **Pratt** this morning and will call him again once I see the order. John Spears

 ATMO - Maintenance Group | You, Don, Joe, +3

 You 2/15 12:22 PM

Any citation that has been abated, please let me know ASAP. We are suppose to contact Mr. Shawn **Pratt** about each one. So he can verify that it was abated in their system. (think email trail)

**Adam:** We couldn't find any results for 'Adam'.

**Larkins:** We couldn't find any results for 'Larkins'.

**Inspector:**



ATMO Safety | You, Don, John, +2



John Spears 4/14 2:07 PM

...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA **inspector** really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any w.....



ATMO Safety | You, Don, John, +2



You 4/14 2:01 PM

Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA **inspector** really....



ATMO Safety | You, Don, John, +2



You 4/14 9:09 AM

Oh no, I think you are doing a stand up job... State to State will have different "guidelines". Unfortunately, from an **inspectors** point of view, to protect yourself as an **inspector**, you need to be sure of your source and reference that source.



ATMO Safety | You, Don, John, +2



You 4/12 2:00 PM

...I dont want Keiths opinion, I want you to research the details. Remember, an **inspector** is suppose to give you a non-bias, non-opinionated inspection....



ATMO Safety | You, Don, John, +2



Jessie Moles 4/12 11:01 AM

The MSHA **inspector** informed me that the doors and windows were open along with exhaust fans on on the day they did sampling. He also said that we cannot do production until we have the PAPR systems and everybody is medically evaluated and fit tested.



ATMO Safety | You, Don, John, +2



You 3/31 12:05 PM

...The thing to remember is the MSHA **inspector** has the cite you for going against a defined regulation. ANY opinion, and everyone has opinion, even MSHA **inspectors**, is not correct. Its not our job to argue with the **inspector**. After accepting the citation, we then need to justify his/her findings regarding the regulation....



ATMO Safety | You, Don, John, +2



You 3/31 11:45 AM

I will stress with you.... any MSHA **inspector** is not your friend. Anything you say to or in their presence can AND WILL be used against you in a court of law. Hopefully, this will never be needed BUT just be well aware.



ATMO Safety | You, Don, John, +2



Jessie Molesi 3/31 11:41 AM

Russell Tidaback who is our carrier insurance the MSHA **inspector** told me that I could contact them and see if they offer programs to send us the equipment we need to do air surveys and send the equipment back for analysis.



ATMO Safety | You, Don, John, +2



Jessie Molesi 3/30 10:05 AM

Of course and we are working on this other air tank so i can get the fire **inspector** out here for our pressure vessel inspection.



Jim Hoover



You 3/28 7:27 PM

who was the MSHA **inspector** today? Keith?



Jim Hoover



You 3/28 7:26 PM

without being combative, when an MSHA **inspector** states something, ask them for a reference so you can educate yourself on the proper regulations to keep everyone safe.



Jim Hoover



You 3/28 7:21 PM

Jim Hoover I get along with them great remember... MSHA **inspectors** are NOT your friend. They can and will us anything and everything against you in a court of law.



ATMO Safety | You, Don, John, +2



You 3/28 9:39 AM

Nice... then yes. Ask John, what is needed to hook up the other air tank before scheduling. This way we aren't having an empty tank sitting there and the **inspector** possibly need to come back. Are you familiar with the inspection? What they look for etc? If not, read up on it so we can be ahead of the **inspector**.



ATMO Safety | You, Don, John, +2



Jessie Molesi 3/28 9:32 AM

...I'm about to call the traveling **inspector** to set up an appointment for the pressure vessel inspection. I wanted to make sure that is fine before i call. They will also send the invoice to the office here and i wanted to know who i send that to once it arrives so we can pay them and get the object codes current.



ATMO Safety | You, Don, John, +2



Jordan Tidaback 3/28 8:33 AM

...Also, I did want to point these docs out to you in the link below, as the last MSHA **inspector** shared them with me. It includes the checklists MSHA uses when the do inspections....



ATMO Safety | You, Don, John, +2



Jordan Tidaback 3/24 4:04 PM

...These are the spots (in red) on the 5000-23 sheet that the MSHA **inspector** told me to fill out for tasks trainings. If you look in the 5000-23 booklet we have, you'll see one already filled out for Ronnell, Jim, Patrick, and RJ....



New Task Training 500... ...





ATMO Safety | You, Don, John, +2



Jordan Tidaback 3/24 1:47 PM

Did you see the 5000-23 book yesterday and the task trainings in it? The MSHA **inspector** recently showed me how to fill it out. I can show you, if needed.



You



Jim Hoover 3/22 11:10 PM

...we will wait till the complaints start pouring in, we just had **inspectors** tell us what to do if it starts dusting you told us what to do if it starts dusting but I guess it's okay if **inspectors** aren't there.



Mill Group Chat | You, Brian, Don, +10



You 3/21 11:07 AM

Also, ask the MSHA **inspector** for the MSHA reference as to how high a pallet can be stacked. We are not finding the reference.



ATMO - Maintenance Group | You, Don, Joe, +3



You 2/20 2:34 PM

Perfect. Hopefully the **inspector** will be there early and we will get to producing. Since that's done, can we get some time on the bagger switch?



Mill Group Chat | You, Brian, Don, +10



You 2/16 11:12 AM


Probably another reason why this MSHA **inspector** is here... [image]

 ATMO - Maintenance Group | You, Don, Joe, +3



Jordan Tidaback 2/14 11:49 AM

Hi Gage, we spoke with John about that. You are absolutely allowed to answer questions the MSHA **inspector** has (obviously)....The Ops Mgr and maintenance person usually work hand in hand when the **inspector** is there so we can fix the simple things quickly on site before he leaves....I know having the **inspector** there makes for...

 ATMO - Maintenance Group | You, Don, Joe, +3



Gage Wheeler 2/14 11:40 AM

Gage Wheeler do not answer any questions about the that the MSHA **inspector** may have. Do not go into the mill. I'll be the person who talks to me **inspector**....




You



Robert Baumann 2/14 11:39 AM


Msha **inspector** told me to lock the doors and no one was allowed in until he okayed it

 ATMO - Maintenance Group | You, Don, Joe, +3



You 2/14 11:27 AM


Oh well, thanks for just nodding and agreeing with the **inspector**. That's all we can do.

 ATMO - Maintenance Group | You, Don, Joe, +3



You 2/14 11:20 AM

It's all good. Have to remember each **inspector** is going to have a different opinion of what is right


 ATMO - Maintenance Group | You, Don, Joe, +3




John Spears 2/14 10:13 AM


[6:55 AM] John Spears I understand. I should have been more specific about not volunteering information. I will escort the **inspector**. like 1

 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 2/14 6:35 AM

Gage Wheeler do not answer any questions about the that the MSHA **inspector** may have. Do not go into the mill. I'll be the person who talks to me **inspector**.

 Mill Group Chat | You, Brian, Don, +10


 John Spears 11/22/22 5:17 PM


Sure thing. Sounds good. I'm pretty sure we have smoothed things over with the MSHA **inspectors**. Bryceton is finishing up a couple welding repairs in the morning and that should be the final items on the list. We now have furnace heat in the office building as well. Jim is finished with the tube mill....

 Mill Group Chat | You, Brian, Don, +10

 You 11/14/22 11:48 AM


...Last I heard msha **inspector** said they was expired and terry our safety manager had to cut them up right on the spot . If you know where one is at please inform us...

 Mill Group Chat | You, Brian, Don, +10

 Benjamin Waters 11/14/22 11:12 AM


Last I heard msha **inspector** said they was expired and terry our safety manager had to cut them up right on the spot . If you know where one is at please inform us

 You

 Jim Hoover 11/8/22 10:42 PM


I'm not complaining about anything brother terry I'd working on the **inspectors** shit which is okay


 You


 Jim Hoover 11/7/22 12:48 PM


VID\_20221107\_124644271.mp4 Went and got the **inspector** and he said that's damn good


 ATMO - Operations | You, Don, Gwen, +4


 You 11/3/22 5:21 PM  
Terry Newburn did you receive the MSHA list from the **inspector**?


 Mill Group Chat | You, Brian, Don, +10


 You 11/2/22 6:32 PM  
...From what I understand today was a busy day with outside visitors, **inspectors** as well as the maintenance issue....

 Terry Newburn

 You 11/2/22 1:09 PM  
...to the Safety and Environmental channel and we can build a plan to address these ASAP so we wont have these come up again when the **inspector** comes back. The MSHA **inspector**, if its the same guy I spoke with, he is a pretty good guy. He's just doing his job and I dont question anything he finds....


 Mill Group Chat | You, Brian, Don, +10

 You 7/13/22 8:49 PM  
Just be cautious is the main point. Do what you know you should do, like wearing your hard hat in the mill at all times. Dont cut corners. The **inspector** is just doing his job.

 Mill Group Chat | You, Brian, Don, +10

 You 7/13/22 8:36 PM  
... 😬 and if you are asked a question by the **inspector** keep your answer short and simple. Dont be "that guy", Camrin lol, that thinks he knows it all and starts pointing out of all the faults etc. (I only name drop Camrin since he doesnt work with us any longer. 😬 )

 ATMO - Mill Mgmt | You, Don, John, +2

 Bonnie Bainter 7/6/22 4:17 PM  
Just a heads up, I received a call from Michael VanDorn our MSHA **inspector**. He advised that in compliance with the current Silica study each mill that has received violations in the past, are required to undergo an air and noise test....

**Annual Employment Production**

<b>Year</b>	<b>Mine ID</b>	<b>Subunit</b>		<b>Coal Production</b>	<b>Annual Hrs.</b>	<b>Avg. Annual Emp.*</b>
2022	2300504	03	STRIP, QUARY, OPEN PIT		3,922	2
2022	2300504	30	MILL OPERATION/PREPARATION PLANT		13,587	9
2022	2300504	99	OFFICE WORKERS AT MINE SITE		5,792	3
2022	2300504	<b>Total</b>			<b>23,301</b>	<b>14</b>
2021	2300504	03	STRIP, QUARY, OPEN PIT		2,206	2
2021	2300504	30	MILL OPERATION/PREPARATION PLANT		5,961	5
2021	2300504	99	OFFICE WORKERS AT MINE SITE		3,917	3
2021	2300504	<b>Total</b>			<b>12,084</b>	<b>10</b>
2020	2300504	03	STRIP, QUARY, OPEN PIT		2,727	2
2020	2300504	30	MILL OPERATION/PREPARATION PLANT		8,351	6
2020	2300504	99	OFFICE WORKERS AT MINE SITE		6,240	3
2020	2300504	<b>Total</b>			<b>17,318</b>	<b>11</b>
2019	2300504	03	STRIP, QUARY, OPEN PIT		2,668	2
2019	2300504	30	MILL OPERATION/PREPARATION PLANT		9,577	6
2019	2300504	99	OFFICE WORKERS AT MINE SITE		6,400	3
2019	2300504	<b>Total</b>			<b>18,645</b>	<b>11</b>

1/1

MINE SAFETY AND HEALTH ADMINISTRATION  
DIRECTORATE OF ASSESSMENTS  
ASSESSED VIOLATION HISTORY REPORT

REQUESTOR:  
CONTROLLER NAME:  
OPERATOR NAME:  
MINE NAME:  
OWNERSHIP PERIOD:

ASMT  
Omphalos LLC  
American Tripoli  
MO Seneca Mfr LLC dba American Tr  
06/09/2021 - 12/31/9999

CONTROLLER ID:  
CONTROLLER-OPERATOR  
ASSOCIATION DATES:  
OPERATOR ID:  
MINE ID:

0163081  
06/09/2021-12/31/9999  
0177333  
2300504

ID OPTION:  
DATE TYPE OPTION:  
DATE RANGE OPTION:  
S&S OPTION:  
STANDARD VIOLATED RANGE:  
SORTED BY:  
PAYMENT FILTER:  
STATUS:

MINE\_ID (2300504)  
Occurrence Date  
05/15/2022 - 08/14/2023  
All Violations  
-  
Controller ID, Violator ID, Mine ID, Standard Violated, Violation  
Date  
All Violations  
Any

ASSESSMENT(S)

MINE ID	CASE NO	CITATION NO	OCCUR DATE	TYPE OF ACTION	ASSMT TYPE	MINE ACT/ STAND VIOL	FORD Date	S & S	PROPOSED ASSMT	CURR ASSMT AMT	LAST STATUS	AMT PAID	EXCESS HISTORY
23005040005771699572144			01/06/2023	104(a) C	Regular	-/41.12		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005850979579688			08/09/2023	104(a) C	Regular	-/47.44(b)	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005699809572619			11/07/2022	104(d)(1) O	Regular	-/48.25(a)	10/23/2023	Y	\$2,853.00	\$2,282.00	Final Order Date	\$380.34	N
23005040005726289572137			01/04/2023	104(g)(1) O	Special - Other	-/48.25(a)	10/23/2023	Y	\$2,400.00	\$1,920.00	Final Order Date	\$320.01	N
23005040005771699539758			02/28/2023	104(a) C	Regular	-/48.29(a)		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005808599536762			08/15/2022	104(a) C	Regular	-/50.20(a)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536743			02/22/2023	104(a) C	Regular	-/56.4011		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005682789269793			11/02/2022	104(a) C	Regular	-/56.4102	09/19/2023	N	\$563.00	\$148.00	Final Order Date	\$0.00	N
23005040005771699577442			02/13/2023	104(a) C	Regular	-/56.4102		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005908209579845			08/08/2023	104(d)(2) O	Regular	-/56.4102		N	\$5,703.00	\$5,703.00	Proposed	\$0.00	N
23005040005682789572603			11/02/2022	104(a) C	Regular	-/56.4104(b)		N	\$133.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005682789572602			11/02/2022	104(a) C	Regular	-/56.4200(a)(1)		N	\$133.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005682789572617			11/07/2022	104(a) C	Regular	-/56.4201(a)		N	\$133.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005771699577450			02/14/2023	104(a) C	Regular	-/56.4201(a)(2)		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005771699539786			03/21/2023	104(a) C/104(b) O	Regular	-/56.5001(a)/56.5005		Y	\$2,238.00	\$2,238.00	Hearing Case Filed	\$0.00	N
23005040005771699539787			03/30/2023	104(a) C/104(b) O	Regular	-/56.5001(a)/56.5005		Y	\$1,501.00	\$1,501.00	Hearing Case Filed	\$0.00	N
23005040005771699539788			03/30/2023	104(a) C	Regular	-/56.5002		Y	\$1,246.00	\$1,246.00	Hearing Case Filed	\$0.00	N
23005040005771699572616			11/03/2022	104(d)(1) O	Regular	-/56.9301		Y	\$2,853.00	\$2,853.00	Hearing Case Filed	\$0.00	N
23005040005682789572601			11/02/2022	104(a) C	Regular	-/56.9306		Y	\$378.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005771699577445			02/13/2023	104(a) C	Regular	-/56.11001		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N

MINE ID	CASE NO	CITATION NO	OCCUR DATE	TYPE OF ACTION	ASSMT TYPE	MINE ACT/ STAND VIOL	FORD Date	S & S	PROPOSED ASSMT	CURR ASSMT AMT	LAST STATUS	AMT PAID	EXCESS HISTORY
23005040005908209579679			08/08/2023	104(a) C	Regular	-/56.11001		N	\$143.00	\$143.00	Proposed	\$0.00	N
23005040005808599539742			02/22/2023	104(a) C	Regular	-/56.11002		Y	\$407.00	\$407.00	Referred to Solicitor	\$0.00	N
23005040005808599539752			02/27/2023	104(a) C	Regular	-/56.11002		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005850979579854			08/09/2023	104(a) C	Regular	-/56.11003	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005771699577440			02/13/2023	104(a) C	Regular	-/56.11008		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005682789572614			11/03/2022	104(a) C	Regular	-/56.11012	09/19/2023	N	\$133.00	\$133.00	Final Order Date	\$0.00	N
23005040005808599539751			02/27/2023	104(a) C	Regular	-/56.11012		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005682789572607			11/03/2022	104(a) C	Regular	-/56.12002	09/19/2023	N	\$133.00	\$133.00	Final Order Date	\$0.00	N
23005040005808599536747			02/22/2023	104(a) C	Regular	-/56.12002		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005771699536761			02/28/2023	104(a) C	Regular	-/56.12002		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005850979579852			08/09/2023	104(a) C	Regular	-/56.12002	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005682789269796			11/02/2022	104(a) C	Regular	-/56.12004	09/19/2023	N	\$133.00	\$133.00	Final Order Date	\$0.00	N
23005040005682789269788			11/02/2022	104(a) C	Regular	-/56.12004		Y	\$378.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005771699577447			02/13/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005808599539745			02/22/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536751			02/22/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536748			02/22/2023	104(a) C/104(b) O	Regular	-/56.12004		N	\$159.00	\$159.00	Referred to Solicitor	\$0.00	N
23005040005808599536753			02/24/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536756			02/27/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599539754			02/27/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599539757			02/28/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005771699536759			02/28/2023	104(a) C	Regular	-/56.12004		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005893289579810			07/06/2023	104(a) C	Regular	-/56.12004	12/21/2023	N	\$143.00	\$143.00	Proposed	\$0.00	N
23005040005850979579686			08/09/2023	104(a) C	Regular	-/56.12004	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005850979579685			08/09/2023	104(a) C	Regular	-/56.12004	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005682789269791			11/02/2022	104(a) C	Regular	-/56.12005		N	\$133.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005771699577454			02/14/2023	104(a) C	Regular	-/56.12006		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005682789269799			11/02/2022	104(a) C	Regular	-/56.12012	09/19/2023	N	\$133.00	\$133.00	Final Order Date	\$0.00	N
23005040005682789269794			11/02/2022	104(a) C	Regular	-/56.12012	09/19/2023	Y	\$378.00	\$378.00	Final Order Date	\$0.00	N
23005040005850979579683			08/08/2023	104(a) C	Regular	-/56.12013	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005771699536760			02/28/2023	104(a) C	Regular	-/56.12019		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005771699577448			02/13/2023	104(a) C	Regular	-/56.12028		Y	\$407.00	\$407.00	Hearing Case Filed	\$0.00	N
23005040005771699539748			02/22/2023	104(a) C	Regular	-/56.12028		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005908209579681			08/08/2023	104(a) C	Regular	-/56.12028		N	\$143.00	\$143.00	Proposed	\$0.00	N
23005040005850979579684			08/08/2023	104(a) C	Regular	-/56.12028	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005850979579682			08/08/2023	104(a) C	Regular	-/56.12028	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005682789269790			11/02/2022	104(a) C	Regular	-/56.12030	10/29/2023	Y	\$1,253.00	\$1,002.00	Final Order Date	\$800.00	N
23005040005682789269795			11/02/2022	104(a) C/104(b) O	Regular	-/56.12030	09/19/2023	Y	\$420.00	\$188.00	Final Order Date	\$0.00	N
23005040005682789572610			11/03/2022	104(a) C	Regular	-/56.12030		N	\$133.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005771699536740			02/14/2023	104(a) C	Regular	-/56.12030		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005850979579849			08/08/2023	104(a) C	Regular	-/56.12030	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005682789572608			11/03/2022	104(a) C	Regular	-/56.12032	09/19/2023	N	\$133.00	\$133.00	Final Order Date	\$0.00	N
23005040005771699577443			02/13/2023	104(d)(2) O	Regular	-/56.12032		Y	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005771699577453			02/14/2023	104(d)(2) O	Regular	-/56.12032		N	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005771699536741			02/14/2023	104(a) C	Regular	-/56.12032		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005808599539744			02/22/2023	104(a) C	Regular	-/56.12032		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536746			02/22/2023	104(a) C	Regular	-/56.12032		Y	\$182.00	\$182.00	Referred to Solicitor	\$0.00	N
23005040005808599536749			02/22/2023	104(a) C	Regular	-/56.12032		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N

MINE ID	CASE NO	CITATION NO	OCCUR DATE	TYPE OF ACTION	ASSMT TYPE	MINE ACT/ STAND VIOL	FORD Date	S & S	PROPOSED ASSMT	CURR ASSMT AMT	LAST STATUS	AMT PAID	EXCESS HISTORY
23005040005808599536752			02/22/2023	104(a) C	Regular	-/56.12032		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536750			02/22/2023	104(a) C	Regular	-/56.12032		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005771699536744			02/22/2023	104(d)(2) O	Regular	-/56.12032		N	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005808599539759			03/01/2023	104(a) C	Regular	-/56.12032		Y	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005850979579842			08/08/2023	104(a) C	Regular	-/56.12032	10/21/2023	Y	\$1,350.00	\$1,350.00	1stDemandPrinted	\$0.00	N
23005040005850979579844			08/08/2023	104(a) C	Regular	-/56.12032	10/21/2023	Y	\$407.00	\$407.00	1stDemandPrinted	\$0.00	N
23005040005850979579841			08/08/2023	104(a) C	Regular	-/56.12032	10/21/2023	Y	\$1,350.00	\$1,350.00	1stDemandPrinted	\$0.00	N
23005040005850979579855			08/09/2023	104(a) C	Regular	-/56.12032	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005808599539741			02/22/2023	104(a) C	Regular	-/56.12034		Y	\$407.00	\$407.00	Referred to Solicitor	\$0.00	N
23005040005682789572605			11/02/2022	104(a) C	Regular	-/56.14100(b)		N	\$133.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005771699577452			02/14/2023	104(a) C	Regular	-/56.14100(b)		Y	\$182.00	\$182.00	Hearing Case Filed	\$0.00	N
23005040005808599539735			02/22/2023	104(a) C	Regular	-/56.14100(b)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005771699539734			02/22/2023	104(d)(2) O	Regular	-/56.14100(d)		N	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005808599539733			02/22/2023	104(a) C	Regular	-/56.14100(c)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599536757			02/27/2023	104(a) C	Regular	-/56.14100(b)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599539753			02/27/2023	104(a) C	Regular	-/56.14100(b)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005850979579689			08/09/2023	104(a) C	Regular	-/56.14100(b)	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005682789572609			11/03/2022	104(a) C	Regular	-/56.14107(a)	09/19/2023	Y	\$169.00	\$169.00	Final Order Date	\$0.00	N
23005040005771699577438			02/13/2023	104(d)(2) O	Regular	-/56.14107(a)		Y	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005771699577439			02/13/2023	104(d)(2) O	Regular	-/56.14107(a)		Y	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005808599539743			02/22/2023	104(a) C	Regular	-/56.14107(a)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599539738			02/22/2023	104(a) C	Regular	-/56.14107(a)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005808599539740			02/22/2023	104(a) C	Regular	-/56.14107(a)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005771699539749			02/24/2023	104(a) C	Regular	-/56.14107(a)		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005808599539755			02/28/2023	104(a) C	Regular	-/56.14107(a)		Y	\$182.00	\$182.00	Referred to Solicitor	\$0.00	N
23005040005850979579846			08/08/2023	104(a) C	Regular	-/56.14107(a)	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005850979579848			08/08/2023	104(a) C	Regular	-/56.14107(a)	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005850979579851			08/09/2023	104(a) C	Regular	-/56.14107(a)	10/21/2023	Y	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005682789269798			11/03/2022	104(a) C	Regular	-/56.14112(b)	09/19/2023	N	\$563.00	\$200.00	Final Order Date	\$0.00	N
23005040005682789269789			11/02/2022	104(a) C	Regular	-/56.14112(b)	09/19/2023	N	\$563.00	\$200.00	Paid	\$200.00	N
23005040005682789269792			11/02/2022	104(a) C	Regular	-/56.14112(b)	09/19/2023	N	\$563.00	\$200.00	Final Order Date	\$0.00	N
23005040005682789572612			11/03/2022	104(d)(1) C/104(b) O	Regular	-/56.14112(b)	10/29/2023	Y	\$2,648.00	\$2,118.00	Final Order Date	\$0.00	N
23005040005771699572613			11/03/2022	104(d)(1) O	Regular	-/56.14112(b)		Y	\$2,853.00	\$2,853.00	Hearing Case Filed	\$0.00	N
23005040005730679577437			02/13/2023	104(d)(2) O	Unwarrantable	-/56.14112(b)		Y	\$6,333.00	\$6,333.00	Hearing Case Filed	\$0.00	N
23005040005771699577449			02/13/2023	104(d)(2) O	Regular	-/56.14112(b)		Y	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005771699577446			02/13/2023	104(a) C	Regular	-/56.14112(b)		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005771699577441			02/13/2023	104(d)(2) O	Regular	-/56.14112(b)		Y	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005771699539739			02/22/2023	104(a) C	Regular	-/56.14112(a)(1)		Y	\$182.00	\$182.00	Hearing Case Filed	\$0.00	N
23005040005771699536754			02/24/2023	104(a) C	Regular	-/56.14112(b)		Y	\$182.00	\$182.00	Hearing Case Filed	\$0.00	N
23005040005908209579677			08/08/2023	104(a) C	Regular	-/56.14112(b)		N	\$143.00	\$143.00	Proposed	\$0.00	N
23005040005682789572606			11/03/2022	104(a) C	Regular	-/56.14115(b)	09/19/2023	Y	\$169.00	\$169.00	Final Order Date	\$0.00	N
23005040005771699577455			02/14/2023	104(a) C	Regular	-/56.14115(b)		Y	\$182.00	\$182.00	Hearing Case Filed	\$0.00	N
23005040005808599539756			02/28/2023	104(a) C	Regular	-/56.14207		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005682789572615			11/03/2022	104(a) C	Regular	-/56.15004		Y	\$169.00	\$0.00	ReverseAsmtVacate	\$0.00	N
23005040005682789572611			11/03/2022	104(a) C	Regular	-/56.15005	09/19/2023	Y	\$1,253.00	\$420.00	Final Order Date	\$0.00	N
23005040005771699572136			01/03/2023	104(a) C	Regular	-/56.16005		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005771699577451			02/14/2023	104(a) C	Regular	-/56.16005		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005850979579687			08/09/2023	104(a) C	Regular	-/56.16005	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N



MINE ID	CASE NO	CITATION NO	OCCUR DATE	TYPE OF ACTION	ASSMT TYPE	MINE ACT/ STAND VIOL	FORD Date	S & S	PROPOSED ASSMT	CURR ASSMT AMT	LAST STATUS	AMT PAID	EXCESS HISTORY
23005040005808599539736			02/22/2023	104(a) C/104(b) O	Regular	-/56.17001		N	\$159.00	\$159.00	Referred to Solicitor	\$0.00	N
23005040005771699572618			11/07/2022	104(d)(1) O	Regular	-/56.18002(a)		Y	\$2,853.00	\$2,853.00	Hearing Case Filed	\$0.00	N
23005040005771699539760			03/01/2023	104(d)(2) O	Regular	-/56.18002(a)		Y	\$5,703.00	\$5,703.00	Hearing Case Filed	\$0.00	N
23005040005682789269797			11/02/2022	104(a) C/104(b) O	Regular	-/56.20003(a)	09/19/2023	N	\$420.00	\$150.00	Final Order Date	\$0.00	N
23005040005682789572604			11/02/2022	104(a) C	Regular	-/56.20003(a)		Y	\$563.00	\$0.00	Reverse Asmt Vacate	\$0.00	N
23005040005771699577444			02/13/2023	104(a) C	Regular	-/56.20003(a)		N	\$143.00	\$143.00	Hearing Case Filed	\$0.00	N
23005040005808599539737			02/22/2023	104(a) C	Regular	-/56.20003(a)		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N
23005040005908209579843			08/08/2023	104(a) C	Regular	-/56.20003(a)		Y	\$407.00	\$407.00	Proposed	\$0.00	N
23005040005908209579678			08/08/2023	104(a) C	Regular	-/56.20003(a)		N	\$143.00	\$143.00	Proposed	\$0.00	N
23005040005850979579847			08/08/2023	104(a) C	Regular	-/56.20003(a)	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005850979579850			08/09/2023	104(a) C	Regular	-/56.20013	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005850979579853			08/09/2023	104(a) C	Regular	-/57.4601	10/21/2023	N	\$143.00	\$143.00	1stDemandPrinted	\$0.00	N
23005040005808599539746			02/22/2023	104(a) C	Regular	-/57.12008		N	\$143.00	\$143.00	Referred to Solicitor	\$0.00	N

MINE TOTALS

	NUMBER OF VIOLATIONS	NUMBER OF PAID VIOLATIONS	TOTAL PROPOSED ASSESSMENT AMOUNT	TOTAL CURRENT ASSESSMENT AMOUNT	TOTAL AMOUNT PAID	NUMBER OF S & S VIOLATIONS
TOTALS	129	11	\$109,942.00	\$102,985.00	\$1,700.35	41
SINGLE PENALTY	0	0	\$0.00	\$0.00	\$0.00	0
REGULAR	127	11	\$101,209.00	\$94,732.00	\$1,380.34	39
SPECIAL	2	0	\$8,733.00	\$8,253.00	\$320.01	2

VIOLATOR TOTALS

	NUMBER OF VIOLATIONS	NUMBER OF PAID VIOLATIONS	TOTAL PROPOSED ASSESSMENT AMOUNT	TOTAL CURRENT ASSESSMENT AMOUNT	TOTAL AMOUNT PAID	NUMBER OF S & S VIOLATIONS
TOTALS	129	11	\$109,942.00	\$102,985.00	\$1,700.35	41
SINGLE PENALTY	0	0	\$0.00	\$0.00	\$0.00	0
REGULAR	127	11	\$101,209.00	\$94,732.00	\$1,380.34	39
SPECIAL	2	0	\$8,733.00	\$8,253.00	\$320.01	2

CONTROLLER TOTALS

	NUMBER OF VIOLATIONS	NUMBER OF PAID VIOLATIONS	TOTAL PROPOSED ASSESSMENT AMOUNT	TOTAL CURRENT ASSESSMENT AMOUNT	TOTAL AMOUNT PAID	NUMBER OF S&S VIOLATIONS
TOTALS	129	11	\$109,942.00	\$102,985.00	\$1,700.35	41
SINGLE PENALTY	0	0	\$0.00	\$0.00	\$0.00	0
REGULAR	127	11	\$101,209.00	\$94,732.00	\$1,380.34	39
SPECIAL	2	0	\$8,733.00	\$8,253.00	\$320.01	2

**CERTIFICATION**  
I hereby certify that this is a printout of the Office of Assessments (OA) data contained in the MSHA database, that it is a regular practice of the OA to make data compilations of this nature; and that I am a custodian of such data and authorized to retrieve any data contained in the OA computer files.

Carolyn D. Settles 12/15/2023  
AUTHORIZED BY DATE

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Controller Information**

**Controller ID:** 0163081  
**Controller Name:** Omphalos LLC  
**Ownership Period:** 06/09/2021 -  
**Street Address:** 2701 E. Grauwylers Rd, Bldg 1,  
 Dept # 38020  
**City:** Irving **State:** TX **Zip Code:** 75061

**Controller  
Hours/Tonnage:**

<b>2020</b>	0
<b>2021</b>	5299
<b>2022</b>	17509
<b>2023</b>	7092

**Violator Information**

**Ownership Period:** 06/09/2021 -  
**Violator ID:** 0177333

**Mine Information**

**Mine Name:** MOSenecaMfr LLC dba American Tr  
**Mine ID:** 2300504  
**District:** C1000 (Madisonville District)  
**Industry Class:** Tripoli  
**Type of Operation:** Surface  
**Street Address:** 222 Oneida Street  
**City:** Seneca **State:** MO **County:** Newton **Zip Code:** 64865

**Assessment Order Mailing Address****Violator Name:** American Tripoli**Attention Line:** Russell Tidaback (Mng Partner)**Street Address:** 2701 E Grauwyler Rd Blg 1 Dept1008**City:** IRVING**State:** T X**Zip Code:** 750613414**Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
2 0 2 0	0	0	0	0	0	0	0	0	0	0	0	0	0
2 0 2 1	0	0	0	0	0	0	0	0	0	0	4	1	5
2 0 2 2	0	0	0	4	0	0	0	0	0	0	0	0	4
2 0 2 3	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total: 9****Number of Inspection Days Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
2 0 2 0	0	0	0	0	0	0	0	0	0	0	0	0	0
2 0 2 1	0	0	0	0	0	0	0	0	0	0	7	0	7
2 0 2 2	2	0	0	4	0	0	1	0	4	0	7	0	1 8
2 0 2 3	3	1 5	7	4	1	2	2	0	0	0	0	0	3 4

**Grand Total: 5 9****Quarterly Mine Tonnage or Hours Worked**

Calendar Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Daily / Empl.	Annual Hrs. / Tonnage	Intmit
2 0 2 0	0	0	0	0	0	0	N o
2 0 2 1	0	0	2 7 7 0	2 5 2 9	3	5 2 9 9	N o
2 0 2 2	2 4 8 5	4 3 4 0	6 2 2 3	4 4 6 1	1 0	1 7 5 0 9	N o
2 0 2 3	3 2 1 1	3 8 8 1	0	0	4	7 0 9 2	N o

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Controller Information****Controller ID:** 0129321**Controller Name:** Bruce L Anderson**Ownership Period:** 09/30/2016 -**Street Address:** 489**City:** Seneca**State** MO **Zip**  
**:** **Code:** 64865**Controller  
Hours/Tonnage:**

<b>2 0 2 0</b>	11078
<b>2 0 2 1</b>	2868
<b>2 0 2 2</b>	0
<b>2 0 2 3</b>	0

**Violator Information****Ownership Period:** 01/01/1987 - 06/08/2021**Violator ID:** L09632**Mine Information****Mine Name:** AMERICAN TRIPOLI INC**Mine ID:** 2300504**District:** C1000 (Madisonville District)**Industry Class:** Tripoli**Type of Operation:** Surface**Street Address:** 222 Oneida Street**City:** Seneca**State:** MO**County:** Newton**Zip Code:** 64865

Aug 9, 2023

Page 4 of 16

**Assessment Order Mailing Address**

**ViolatorName:** American Tripoli Inc

**Attention Line:** Bruce Anderson (Pres/CEO)

**StreetAddress:** P.O. BOX 489

**City:** SENECA

**State:** MO

**Zip Code:** 648650489

**Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
2016	0	0	0	0	0	0	0	0	0	1	0	0	1
2017	0	0	0	0	2	0	0	0	0	2	0	0	4
2018	0	0	0	0	2	0	0	0	0	0	0	6	8
2019	0	0	0	0	0	0	2	0	0	1	0	0	3
2020	0	0	0	0	1	0	0	0	0	1	0	0	2
2021	0	0	0	2	0	0	0	0	0	0	0	0	2

**Grand Total: 168**

**Number of Inspection Days Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
2020	0	0	0	0	2	0	0	0	0	1	0	0	3
2021	0	0	0	2	0	0	0	0	0	0	0	0	2
2022	0	0	0	0	0	0	0	0	0	0	0	0	0
2023	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total: 5**

**Quarterly Mine Tonnage or Hours Worked**

Calendar Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Daily / Empl.	Annual Hrs. / Tonnage	Intmit
2020	2755	2185	2571	3567	7	11078	No
2021	2868	0	0	0	2	2868	No
2022	0	0	0	0	0	0	No
2023	0	0	0	0	0	0	No

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Controller Information**

**Controller ID:** M02730  
**Controller Name:** Fording Inc  
**Ownership Period:** 01/01/1987 - 09/29/2016  
**Street Address:** 205 - 9th Avenue S.E., Suite  
1000  
**City:** Calgary **State** **Zip**  
**:** **Code:**

**Controller  
Hours/Tonnage:**

<b>2 0 2 0</b>	14836
<b>2 0 2 1</b>	8655
<b>2 0 2 2</b>	8792
<b>2 0 2 3</b>	1262

**Violator Information**

**Ownership Period:** 01/01/1987 - 06/08/2021  
**Violator ID:** L09632

**Mine Information**

**Mine Name:** AMERICAN TRIPOLI INC  
**Mine ID:** 2300504  
**District:** C1000 (Madisonville District)  
**Industry Class:** Tripoli  
**Type of Operation:** Surface  
**Street Address:** 222 Oneida Street  
**City:** Seneca **State:** MO **County:** Newton **Zip Code:** 64865

**Assessment Order Mailing Address****ViolatorName:** American Tripoli Inc**Attention Line:** Bruce Anderson (Pres/CEO)**StreetAddress:** P.O.BOX 489**City:** SENECA**State:** MO**Zip Code:** 648650489**Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1993	0	0	0	0	0	0	0	0	0	0	0	1	1
1995	1	0	0	0	0	1	0	0	0	1	0	0	3
1996	0	0	0	0	0	8	1	0	0	3	0	0	12
1997	0	0	0	0	0	0	6	0	0	10	0	0	16
1998	0	0	0	0	0	1	0	0	0	0	0	0	1
1999	0	0	0	0	0	9	0	1	0	0	2	0	12
2000	0	0	0	0	10	0	0	0	0	0	0	0	10
2001	0	12	0	0	4	0	0	0	0	0	0	0	16
2002	1	0	0	9	0	0	0	0	0	0	0	0	10
2003	0	3	2	0	0	0	0	0	0	0	0	0	5
2004	7	0	0	0	0	0	0	4	0	0	3	0	14
2005	1	0	0	0	0	0	10	0	0	0	0	5	16
2006	1	0	0	0	2	0	0	0	0	0	0	0	3
2007	0	3	0	0	0	0	0	0	3	0	0	0	6
2008	7	1	0	0	0	0	0	0	0	0	0	0	8
2009	0	5	0	0	0	0	0	6	1	1	0	0	13
2010	0	0	3	1	0	0	0	0	0	0	0	0	4
2011	2	0	0	0	0	1	0	0	0	0	0	0	3
2012	2	0	0	0	0	0	0	0	1	0	0	1	4
2013	0	0	0	2	0	0	0	0	0	1	0	0	3
2014	0	0	0	0	0	0	0	0	2	0	0	0	2
2015	0	0	3	0	0	0	1	1	0	0	0	0	5
2016	0	0	0	0	0	0	0	0	1	0	0	0	1
2018	0	0	0	0	0	0	0	0	0	0	0	0	0
2019	0	0	0	0	0	0	0	0	0	0	0	0	0
2020	0	0	0	0	0	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total: 168****Number of Inspection Days Per Month**



Aug 9, 2023

Page 7 of 16

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
2013	0	0	0	0	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	0	0	0	0	0	0	0	0	0
2015	0	0	0	0	0	0	0	0	0	0	0	0	0
2016	0	1	0	0	0	0	0	0	2	2	0	0	5

**Grand Total: 5**

**Quarterly Mine Tonnage or Hours Worked**

Calendar Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Daily / Empl.	Annual Hrs. / Tonnage	Intmit
2013	3520	3649	3567	3589	8	14325	No
2014	3422	3524	3283	3731	9	13960	No
2015	3350	3683	3123	2948	8	13104	No
2016	3123	2987	2563	2554	9	11227	No

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Controller Information**

**Controller ID:** M04706  
**Controller Name:** E M Warburg Pincus &  
 Company Inc  
**Ownership Period:** 04/30/1982 - 12/31/1986  
**Street Address:**

**City:** **State** **Zip**  
**:** **Code:**

**Controller  
Hours/Tonnage:**

<b>2 0 2 0</b>	0
<b>2 0 2 1</b>	0
<b>2 0 2 2</b>	0
<b>2 0 2 3</b>	0

**Violator Information**

**Ownership Period:** 04/30/1982 - 12/31/1986  
**Violator ID:** L05848

**Mine Information**

**Mine Name:** American Tripoli Company  
**Mine ID:** 2300504  
**District:** C1000 (Madisonville District)  
**Industry Class:** Tripoli  
**Type of Operation:** Surface  
**Street Address:** 222 Oneida Street  
**City:** Seneca **State:** MO **County:** Newton **Zip Code:** 64865

**Assessment Order Mailing Address****ViolatorName:** American Tripoli Company**Attention Line:** Alan K Bates (VP)**StreetAddress:** 222 Oneida**City:** SENECA**State:** MO**Zip Code:** 64865**Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1983	0	0	0	0	0	0	0	0	0	0	0	0	0
1984	0	0	0	0	0	0	0	0	0	0	0	0	0
1985	0	0	0	0	0	0	0	0	0	0	0	0	0
1986	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total: 0****Number of Inspection Days Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1983	0	0	0	0	0	0	0	0	0	0	0	0	0
1984	0	0	0	0	0	0	0	0	0	0	0	0	0
1985	0	0	0	0	0	0	0	0	0	0	0	0	0
1986	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total:****Quarterly Mine Tonnage or Hours Worked**

Calendar Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Daily / Empl.	Annual Hrs. / Tonnage	Intmit
1983	0	0	0	0	0	0	No
1984	0	0	0	0	0	0	No
1985	0	0	0	0	0	0	No
1986	0	0	0	0	0	0	No

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Controller Information**

**Controller ID:** M01206  
**Controller Name:** British Petroleum Company  
 PLC  
**Ownership Period:** 06/04/1981 - 04/29/1982  
**Street Address:** Midland Building 161  
 Prospect Avenue  
**City:** Cleveland **State:** OH **Zip Code:** 44115

**Controller  
Hours/Tonnage:**

<b>2 0 2 0</b>	0
<b>2 0 2 1</b>	0
<b>2 0 2 2</b>	0
<b>2 0 2 3</b>	0

**Violator Information**

**Ownership Period:** 06/04/1981 - 04/29/1982  
**Violator ID:** L05821

**Mine Information**

**Mine Name:** Tripoli Mill  
**Mine ID:** 2300504  
**District:** C1000 (Madisonville District)  
**Industry Class:** Tripoli  
**Type of Operation:** Surface  
**Street Address:** 222 Oneida Street  
**City:** Seneca **State:** MO **County:** Newton **Zip Code:** 64865

**Assessment Order Mailing Address**

**ViolatorName:** Carborundum Company

**Attention Line:** Alan Bates (Plt Mgr)

**StreetAddress:** P.O. BOX 489

**City:** SENECA

**State:** MO

**Zip Code:** 64865

**Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1979	0	0	0	0	0	0	0	0	0	0	0	0	0
1980	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	0	0	0	0	0	0	0	0	0	0	0	0	0
1982	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total: 0**

**Number of Inspection Days Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1979	0	0	0	0	0	0	0	0	0	0	0	0	0
1980	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	0	0	0	0	0	0	0	0	0	0	0	0	0
1982	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total:**

**Quarterly Mine Tonnage or Hours Worked**

Calendar Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Daily / Empl.	Annual Hrs. / Tonnage	Intmit
1979	0	0	0	0	0	0	No
1980	0	0	0	0	0	0	No
1981	0	0	0	0	0	0	No
1982	0	0	0	0	0	0	No

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Controller Information**

**Controller ID:** M00434  
**Controller Name:** Kennecott Copper Corp  
**Ownership Period:** 01/01/1950 - 06/03/1981  
**Street Address:**

**City:** **State** **Zip**  
**:** **Code:**

**Controller**  
**Hours/Tonnage:**

<b>2 0 2 0</b>	0
<b>2 0 2 1</b>	0
<b>2 0 2 2</b>	0
<b>2 0 2 3</b>	0

**Violator Information**

**Ownership Period:** 01/01/1950 - 06/03/1981  
**Violator ID:** L01557

**Mine Information**

**Mine Name:** Tripoli Mill  
**Mine ID:** 2300504  
**District:** C1000 (Madisonville District)  
**Industry Class:** Tripoli  
**Type of Operation:** Surface  
**Street Address:** 222 Oneida Street  
**City:** Seneca **State:** MO **County:** Newton **Zip Code:** 64865

Aug 9, 2023

Page 13 of 16

**Assessment Order Mailing Address**

**ViolatorName:** Carborundum Company

**Attention Line:** Alan Bates (Plt Mgr)

**StreetAddress:** P.O. BOX 489

**City:** SENECA

**State:** MO

**Zip Code:** 64865

**Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1978	0	0	0	0	0	0	0	0	0	0	0	0	0
1979	0	0	0	0	0	0	0	0	0	0	0	0	0
1980	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total: 0**

**Number of Inspection Days Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1978	0	0	0	0	0	0	0	0	0	0	0	0	0
1979	0	0	0	0	0	0	0	0	0	0	0	0	0
1980	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	0	0	0	0	0	0	0	0	0	0	0	0	0

**Grand Total:**

**Quarterly Mine Tonnage or Hours Worked**

Calendar Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Daily / Empl.	Annual Hrs. / Tonnage	Intmit
1978	0	0	0	0	0	0	No
1979	0	0	0	0	0	0	No
1980	0	0	0	0	0	0	No
1981	0	0	0	0	0	0	No

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**DIRECTORATE OF ASSESSMENTS**  
**Violation, Inspection and Quarterly Information Report**

**Mine Total Assessed Violations Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1978	0	0	0	0	0	0	0	0	0	0	0	0	0
1979	0	0	0	0	0	0	0	0	0	0	0	0	0
1980	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	0	0	0	0	0	0	0	0	0	0	0	0	0
1982	0	0	0	0	0	0	0	0	0	0	0	0	0
1983	0	0	0	0	0	0	0	0	0	0	0	0	0
1984	0	0	0	0	0	0	0	0	0	0	0	0	0
1985	0	0	0	0	0	0	0	0	0	0	0	0	0
1986	0	0	0	0	0	0	0	0	0	0	0	0	0
1993	0	0	0	0	0	0	0	0	0	0	0	1	1
1995	1	0	0	0	0	1	0	0	0	1	0	0	3
1996	0	0	0	0	0	8	1	0	0	3	0	0	12
1997	0	0	0	0	0	0	6	0	0	10	0	0	16
1998	0	0	0	0	0	1	0	0	0	0	0	0	1
1999	0	0	0	0	0	9	0	1	0	0	2	0	12
2000	0	0	0	0	10	0	0	0	0	0	0	0	10
2001	0	12	0	0	4	0	0	0	0	0	0	0	16
2002	1	0	0	9	0	0	0	0	0	0	0	0	10
2003	0	3	2	0	0	0	0	0	0	0	0	0	5
2004	7	0	0	0	0	0	0	4	0	0	3	0	14
2005	1	0	0	0	0	0	10	0	0	0	0	5	16
2006	1	0	0	0	2	0	0	0	0	0	0	0	3
2007	0	3	0	0	0	0	0	0	3	0	0	0	6
2008	7	1	0	0	0	0	0	0	0	0	0	0	8
2009	0	5	0	0	0	0	0	6	1	1	0	0	13
2010	0	0	3	1	0	0	0	0	0	0	0	0	4
2011	2	0	0	0	0	1	0	0	0	0	0	0	3
2012	2	0	0	0	0	0	0	0	1	0	0	1	4
2013	0	0	0	2	0	0	0	0	0	1	0	0	3
2014	0	0	0	0	0	0	0	0	2	0	0	0	2
2015	0	0	3	0	0	0	1	1	0	0	0	0	5
2016	0	0	0	0	0	0	0	0	1	1	0	0	2
2017	0	0	0	0	2	0	0	0	0	2	0	0	4
2018	0	0	0	0	2	0	0	0	0	0	0	6	8
2019	0	0	0	0	0	0	2	0	0	1	0	0	3



Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
2 0 2 0	0	0	0	0	1	0	0	0	0	1	0	0	2
2 0 2 1	0	0	0	2	0	0	0	0	0	0	4	1	7
2 0 2 2	0	0	0	4	0	0	0	0	0	0	0	0	4
2 0 2 3	0	0	0	0	0	0	0	0	0	0	0	0	0

Grand Total: 1 2 4

**Mine Total Number of Inspection Days Per Month**

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Year Total
1978	0	0	0	0	0	0	0	0	0	0	0	0	0
1979	0	0	0	0	0	0	0	0	0	0	0	0	0
1980	0	0	0	0	0	0	0	0	0	0	0	0	0
1981	0	0	0	0	0	0	0	0	0	0	0	0	0
1982	0	0	0	0	0	0	0	0	0	0	0	0	0
1983	0	0	0	0	0	0	0	0	0	0	0	0	0
1984	0	0	0	0	0	0	0	0	0	0	0	0	0
1985	0	0	0	0	0	0	0	0	0	0	0	0	0
1986	0	0	0	0	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	0	0	0	0	0	0	0	0	0
2015	0	0	0	0	0	0	0	0	0	0	0	0	0
2016	0	1	0	0	0	0	0	0	2	2	0	0	5
2020	0	0	0	0	2	0	0	0	0	1	0	0	3
2021	0	0	0	2	0	0	0	0	0	0	7	0	9
2022	2	0	0	4	0	0	1	0	4	0	7	0	18
2023	3	15	7	4	1	2	2	0	0	0	0	0	34

**Grand Total: 69**

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Per the Secretary's 30NOV2023 email request:

- Search for all teams chats with the words Baumann or Rob from June 1, 2022 through April 30, 2023-**please make this additional search.**

ATMO - Operations | You, Don, Gwert, +4

Robert **Baumann** 4/13 12:09 PM

We ran the cream last October or November for the Vana order...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/12 10:08 AM


John Spears We have arrived. Call me asap...


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 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 4/11 6:02 PM

Green monster is what I was planning trying to eliminate some dusting...

 ATMO - Operations | You, Don, Gwen, +4


 John Spears 4/11 3:34 PM


Robert **Baumann**  Julie Ann Cureg here are your weights for so-323 a & b. John Spears when we wrap these I have a slip sheet to keep a & b separate Good deal! Thank you.

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/11 3:33 PM

[Captured photo] Julie Ann Cureg here are your weights for so-323 a & b. John Spears when we wrap these I have a slip sheet to keep a & b separate...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 4/11 11:45 AM


Alex Snodgrass can we get the labels for the maverick order please...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/11 11:26 AM

[Captured photo] Julie Ann Cureg...

 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 4/11 10:26 AM

Can you guys come to packer...

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Mill Group Chat | You, Brian, Don, +8



John Spears 4/10 1:19 PM

Robert **Baumann** don't feed. We're working on the impeller bearing.



Mill Group Chat | You, Brian, Don, +8



John Spears 4/10 10:50 AM

Robert **Baumann** Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning Thank you.

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 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 4/10 10:49 AM

[Captured photo] Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 4/10 10:34 AM


Ryan Closser Rob I found a valve closed coming right off of the air dryer should be good to go now Thank you VERY IMPORTANT if we shut a valve off that normally doesn't get closed PLEASE let everyone know...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 4/10 10:22 AM

Jeremy Talbert Do you guys miss me just know i would rather be there than with yall than having to going to dr What's up with this packer did it start messing up late Friday it's over filling not shutting off...

 Mill Group Chat | You, Brian, Don, +8

 John Spears 4/10 8:43 AM

Robert **Baumann** Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow Sounds good

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 4/10 8:41 AM

John Spears Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy... Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow...

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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/9 10:11 AM

Alex Snodgrass John Spears Robert **Baumann** Good Morning Gentlemen. SO-323, according to the Daily Production spreadsheet is complete. Alex Snodgrass can you confirm 800 bags, 40 pallets and 40 slipsheets? The spreadsheet is showing 800 bags, 33 pallets, and 36 slipsheets. [image]



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/7 2:56 PM

Good point of reference to really watch while crushing...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/7 1:21 PM

Jeremy Talbert please come to bagger...

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 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 4/7 11:03 AM

Got the thumbs up now going to try to fire back up and get everything unclogged...

 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 4/7 10:40 AM


John Spears Jeremy Talbert did the power flicker in the mill? Have you looked outside...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 4/7 10:25 AM

[Captured photo] Someone hit some lines down the street we are shut down for a awhile...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 4/7 10:09 AM


Power surge everything kicked out DANG it we are trying to reset everything...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/6 4:03 PM

Thank you Alex Snodgrass did we get label paper yet...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/6 3:13 PM

[Captured photo] No 100 pound option...



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Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 4/6 1:11 PM

Robert **Baumann** Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments Why is it that when I take initiative there's always this and that, when no one else has been on top of it but "ME".. but it's whatev..



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/6 1:08 PM

Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments...

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Mill Group Chat | You, Brian, Don, +8



John Spears 4/6 1:07 PM

Ronnell Fondren thank you but you need to communicate with Robert **Baumann** before you move to another area.



Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 4/6 1:05 PM

Robert **Baumann** Yep I am planning on Jim crushing this AF Gotcha, well I already started it when everyone took break



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/6 1:04 PM

Yep I am planning on Jim crushing this AF...



Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 4/6 1:00 PM

Robert **Baumann** someone needs to check and make sure the primary tank isn't low, and if it is then, rock will need to be sent up. Please n thank u



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 4/6 12:32 PM

Robert **Baumann** Spreadsheet corrected



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 4/6 12:30 PM

The A part is working on B so do I input no until both parts are done or each one...

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 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/6 12:27 PM  
[Media]

 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 4/6 12:27 PM  
[Media]


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 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 4/5 6:41 PM


Robert **Baumann** Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28th just half a day that Thursday Ok. Thanks.

 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 4/5 6:40 PM


Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28th just half a day that Thursday...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/5 4:45 PM


We weighed the double stacks...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/5 4:44 PM


Jordan Tidaback 10 pallets each? These were 5-highs, no? Double stacked to fit in containers...

 ATMO - Operations | You, Don, Gwen, +4

 Julie Ann Cureg 4/5 4:39 PM

Thankyou Robert **Baumann**

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/5 4:39 PM

[Captured photo] SO-316 a- b-c-d-e grouped weighed ready finally Julie Ann Cureg...

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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/5 4:09 PM

Robert **Baumann** Alex Snodgrass John Spears...



ATMO - Operations You, Don, Gwen, +4



Robert **Baumann** 4/4 2:40 PM

Can we arrange to ship this 316 the same way and I can get you corrected weights for 400 each load or do we need to restack some and re weigh...


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 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/4 2:31 PM


Ok thanks that's way more easy to accomplish but it will be 20 pallets double stacked for the 400.



 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/4 2:17 PM

Can we get orders like this split up a lil better part a was over 368 and c and d were vague I have them in groups of 360 bags as per what it stated but A was 568 idk maybe I just am not getting the split parts...

 Mill Group Chat | You, Brian, Don, +8

 Russell Tidaback (You) 3/31 10:09 AM


Robert **Baumann**   Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft Put some yellow caution tape up around the Conduit until it can be repaired. So no one steps on it or around it. Thanks guys Ryan Closser Jeremy Talbert

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/31 10:03 AM


[Captured photo] [Captured photo] Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft...

 Mill Group Chat | You, Brian, Don, +8

 Jessie Molesi 3/31 9:46 AM

Robert **Baumann** Can you come to the main office break room?

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/31 9:41 AM

[Captured photo] Alex Snodgrass here is the weights for the b order ready to go...

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/31 9:28 AM

What is it we have nothing picked or ready...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/30 1:54 PM

[Captured photo] Probably not the best fix but lil Mac is functioning now and must have been completely full thankfully the wind is cooperating and trying to get it cleared out but now it's pulling the dust from the shaker now. Thank you Jim Hoover and a .60 cent bolt...




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 John Spears 3/30 1:53 PM

Robert **Baumann** John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again Darn it. Is the shaker usable today and tomorrow? Replace screen on Saturday?

 ATMO - Maintenance Group | You, Don, Joe, +3


 Robert **Baumann** 3/30 1:48 PM

John Spears We have a middle screen in the oil room. We need a replacement top screen for sure in the near future. John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/30 1:04 PM


Yes pipes are clear no exhaust pulling from lil Mac...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/30 12:51 PM

[Captured photo] [Captured photo] Fixing to shut down and check the screens. System is backing up...

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 3/30 10:46 AM

Robert **Baumann**, we need you to make sure the mill associates do what is needed. Be on time, do the daily inspections, perform the tasks given... and that means ALL of the tasks... bathroom cleaning, trash, sweeping, cleanup, etc.....



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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/30 10:32 AM

We were told yesterday that we weren't doing maintenance yesterday and if we get the palletizer fixed and all machines working correctly we could probably reach daily production goals...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**

...Robert **Baumann** / John Spears need you two to come up with a plan to have two people, Jim and someone else, since Jim knows how to start the mill, possibly Alex...Jordan Tidaback John Spears Alex Snodgrass Robert **Baumann**



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/29 6:09 PM

Jeremy Talbert Rob before you start anything in am can you do a smell check for gas just to double check i didnt snell anything why i left For sure I appreciate you getting that fixed...

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/29 6:03 PM  
Robert **Baumann** thank you very much.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/29 6:02 PM  
Happy birthday 🎂. Reminder guys we are charging the tube Mill and sealing up the elevator first thing in the morning. Thank you guys for all the hard work even you Patrick Lewis Jim Hoover 😊

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/29 4:59 PM  
Robert **Baumann** Ronnell Fondren Jim Hoover Patrick Lewis RJ Williams Jeremy Talbert Alex Snodgrass Jessie Molesi Jessie and Alex were really nice and got me a cake for my birthday so I got some ice cream to go with it. Ice cream and cake in the break room.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/29 10:26 AM  
Ronnell Fondren It would be best for you to tag your direct supervisor Robert **Baumann**, or the maintenance person Jeremy Talbert, or even John Spears regarding issues like this.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/29 9:35 AM  
[Media] [Media]

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/29 9:34 AM

John Spears can we see about getting a new bearing for the scroll on the bottom of the green monster this one is almost to the point of not functioning and tearing up other things than the bearing...



ATMO - Maintenance Group | You, Don, Joe, +3



Jessie Molesi 3/27 9:56 AM

Robert **Baumann** Thank you for catching that.



ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 3/27 9:52 AM

Ok I locked the breaker out for the screen shaker's we got to remember to lock things out when we are working on them...


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 Robert **Baumann** 3/27 9:20 AM

John Spears Jeremy Talbert Jim and I worked on the 4th floor vibrator. You'll need to help him put the doors back on. We left them off so the patch compound could dry overnight. Patch compound did not set up. John Spears...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 5:31 PM

No we didn't fix it was going to ask John's opinion on how to deal with the issue...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 5:27 PM


Well air is just pouring past the valves straight out the stack...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 5:20 PM


[Captured photo] Isolated a major air problem on bottom left air solenoids on lil Mac...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/24 5:19 PM

[Captured photo] [Captured photo] So the double ground screens are beyond patching got one set left and prepared for installation first thing Monday...

 Mill Group Chat | You, Brian, Don, +8

 Ronnell Fondren 3/24 2:51 PM

Robert **Baumann** can you unlock gat to dump load of rock

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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/24 2:45 PM

Lmcheck...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/24 2:44 PM

ugh, he changed his mind... do we have this on-hand? [image] just one OGR and one DGC. Robert **Baumann**  
Alex Snodgrass


**Mailing Address:**


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 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 3/24 2:41 PM  
Yes we have on hand...


 ATMO - Mill Mgmt | You, Don, John, +2


 Russell Tidaback (You) 3/24 2:38 PM  
Alex Snodgrass Robert **Baumann** Please confirm we have this on-hand: [image] John Spears


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 12:25 PM  
[Captured photo] [Captured photo] SO-576 2 bulk bags Julie Ann Cureg...


 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 3/23 6:48 PM  
Thank you for jumping in and helping today I appreciate it and value your opinion...

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 3/23 5:38 PM  
Robert **Baumann** Did we produce today? Alex Snodgrass

 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 3/23 2:52 PM  
John Spears the system did the same thing as yesterday all going back to return trying to get it figured out...



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Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 3/23 1:20 PM

Robert **Baumann** We are hand stacking so we are utilizing all mill associate's we could actually use your muscles  
You're standing outside, the primary tank isn't full..



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/23 1:18 PM

Ronnell Fondren Robert **Baumann** can we get someone to crush the Rock? We are hand stacking so we are  
utilizing all mill associate's we could actually use your muscles


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 Mill Group Chat | You, Brian, Don, +8


 Ronnell Fondren 3/23 1:06 PM


Robert **Baumann** can we get someone to crush the Rock?

 ATMO - Maintenance Group | You, Don, Joe, +3


 John Spears 3/23 1:02 PM


Looking for one now. Robert **Baumann**

 ATMO - Maintenance Group | You, Don, Joe, +3


 Robert **Baumann** 3/23 1:01 PM

John Spears Jeremy and I have searched everywhere and not one in the shop...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/23 10:37 AM


Both "spares" on the packer system are set up different and have different specs...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/23 10:36 AM

[Media] [Media]

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/23 10:16 AM

Even in-between dumping we should keep it shut for liability purposes I will help keep an eye on it it's my responsibility to make sure it's locked and shut at start up and shut down...





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 Mill Group Chat | You, Brian, Don, +8


 Ronnell Fondren 3/23 10:14 AM


Robert **Baumann**  Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren It's open because we was going to dump another load, if you got around to crushing the rock. But I'll let Max know..mmk

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/23 10:10 AM


[Captured photo] Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren...

 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 3/23 10:03 AM

Robert **Baumann** Thanks and yep, everywhere we hear air leaking is money being wasted. Just like a dripping water faucet. We need to address the leaks. If I remember correctly, Jim was tasked to create a list of everywhere he found an air leak. Did this ever get completed?

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/23 9:50 AM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] Got these leaks slowed down and gained 4 psi but the whole top of the regulator on fourth floor was blown out we desperately need one it's pouring out air way worse than it was Pat and I got the top back on but it's leaking really bad...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/23 8:43 AM

I'm trying to figure out the air pressure issues now RJ Williams Jim Hoover replace the g-40 bearing and we will repair the screen tomorrow evening so it can dry all weekend and look into finished product filters. Patrick Lewis please lubricate first thing while system is heating up...


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 ATMO - Operations | You, Don, Gwen, +4

 John Spears 3/22 9:34 AM


Robert **Baumann** John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please Will do.

 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 3/22 9:33 AM


John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please...

 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 3/21 6:39 PM

...Robert **Baumann** I modified the Daily Production and removed 2 from SO-377A. Please relabel two of the bulk bags to SO-576....

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 3/21 6:25 PM

I'll make sure to get the other wrapped up...

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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/21 6:23 PM

Russell Tidaback Customer is asking, is why I am verifying. They want to send a truck tomorrow. Yes 21 pallets 7 still need to be wrapped...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/21 6:08 PM

Robert **Baumann** We need 265 more bags Robert **Baumann** Help me get the numbers... SO-298 - 420 bags of OGR 9MAR: 60 15MAR: 35 20MAR: 135 21MAR: 130 Total: 360 do you have other bags produced earlier for SO-298 that total up to the 420 needed?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/21 4:31 PM

Coming out of both and the vacuum system upstairs is making an odd noise John Spears...



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Russell Tidaback (You) 3/21 3:45 PM

Robert **Baumann** I am not understanding your comment in the Mill group chat about "running half throttle now".



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/21 3:38 PM

Robert **Baumann** Problem is we don't really have the people to do that we are running half throttle now How many people do you think are needed? Robert **Baumann**

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Robert **Baumann** 3/21 3:32 PM

Russell Tidaback And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Problem is we don't really have the people to do that we are running half throttle now...



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Russell Tidaback (You) 3/21 12:36 PM

Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf Robert **Baumann** Make sure the guys are using the proper resources to not injure themselves. Use the forklift to lower the pallet stack to the mid-height. [image] Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/21 12:07 PM

Russell Tidaback The DGR part of SO-304 is also 5-highs. 🚧 Totally looked at it wrong our bad.


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 Robert **Baumann** 3/21 11:41 AM

John Spears Russell Tidaback Jim Hoover Patrick Lewis Jordan Tidaback RJ . Ok so msha seen the 10 stacking and said absolutely no so we will move to next order continuing 5 high unless Russell Tidaback has a better option they stated without a platform nothing over waist high...

 Mill Group Chat | You, Brian, Don, +8


 Patrick Lewis 3/21 8:38 AM

Robert **Baumann** Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp Yes sir

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/21 8:34 AM


Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/20 10:42 AM


[Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-290B Julie Ann Cureg 20 bags OGR...

 ATMO - Mill Mgmt | You, Don, John, +2

 John Spears 3/20 9:39 AM

Robert **Baumann** got a CFI Truck wanting to pick up SO-290B.

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 3/20 9:29 AM

Russell Tidaback Ok, let me know We need 265 more bags...

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Robert **Baumann** 3/20 9:02 AM

Russell Tidaback Robert **Baumann** How close are we on SO-298? ...288 more bags to go? [image] [image] I'm looking at it now we've ran odds n ends bags working on the packer so figuring out exactly how many more we need



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/20 9:00 AM

Robert **Baumann** How close are we on SO-298? ...288 more bags to go? [image] [image]




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 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/17 9:12 AM


[Captured photo] I've reset and powered off everything multiple times John Spears...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/17 8:43 AM


John Spears been trying to get the burner to light for awhile now keeps throwing a low fire alarm...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/16 12:30 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] The plate than ran across the front of the hammer mill caught and tore up so the hammer mill is down...

 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/16 10:25 AM


Robert **Baumann** John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off Ok. I'll look at it.

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/16 10:23 AM

John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off...

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 John Spears 3/16 9:33 AM

Robert **Baumann** Packer still not operational so going back to producing bulk bags Mr. Ulmer is coming back this morning.

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Robert **Baumann** 3/16 9:30 AM

Packer still not operational so going back to producing bulk bags...



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Russell Tidaback (You) 3/16 6:24 AM

Robert **Baumann**...Robert **Baumann** We don't need to shut the building down. Tape off the area so no one can step on it or near it....



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Robert **Baumann** 3/15 5:35 PM

John Spears I wonder how long it's been like that? I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it...

Mill Group Chat | You, Brian, Don, +8

John Spears 3/15 5:29 PM

Robert **Baumann** Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off I wonder how long it's been like that?

Mill Group Chat | You, Brian, Don, +8

John Spears 3/15 5:28 PM

Robert **Baumann** Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off We'll have to find out where they're coming from.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/15 5:07 PM

[Media]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/15 5:07 PM

[Captured photo] [Captured photo] Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/15 4:03 PM

[Captured photo] [Captured photo] [Captured photo] SO-527 Julie Ann Cureg...


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 Robert **Baumann** 3/15 12:32 PM  
[Media]

 Mill Group Chat | You, Brian, Don, +8

 Jordan Tidaback 3/15 12:31 PM  
Robert **Baumann** Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here Robert **Baumann** - I'm sure you've already taken care of it, but please just remember to loto the classifier elevator.

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 Robert **Baumann** 3/15 11:50 AM

Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here...

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 John Spears 3/15 10:55 AM


Robert **Baumann**    John Spears snapped this collar Just like the old one.

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/15 10:51 AM


[Captured photo] [Captured photo] [Captured photo] John Spears snapped this collar...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/15 9:32 AM


Upon starting up the key has worked out of the driveshaft of the feed elevator...

 ATMO - Operations | You, Don, Gwen, +4

 John Spears 3/14 2:17 PM

Julie Ann Cureg Hi, Robert **Baumann** John Spears paperwork for SO-572 was uploaded to its folder. I'll get the paperwork printed.

 ATMO - Operations | You, Don, Gwen, +4

 Julie Ann Cureg 3/14 2:13 PM

...Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert **Baumann**) have been added to the production schedule....Hi, Robert **Baumann** John Spears paperwork for SO-572 was uploaded to its folder.

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ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 3/14 2:09 PM

Russell Tidaback Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert **Baumann**) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send... Regular or heat treated pallets ?



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 3/14 1:56 PM

Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert **Baumann**) have been added to the production schedule. These are already produced and will be pulled from the inventory....


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 Robert **Baumann** 3/14 11:53 AM


Russell Tidaback Robert **Baumann** John Spears Please confirm these are available and not assigned to any SO-###. [image] We have 5 dgr and 0 ogr that are not assigned to orders we pulled the 10 bags for a order awhile back

 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 3/14 11:39 AM


Robert **Baumann** John Spears Please confirm these are available and not assigned to any SO-###. [image]

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/14 9:11 AM


Jordan Tidaback Robert **Baumann** is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated. Yes you can let them know it's fixed

 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/14 9:06 AM


Jordan Tidaback Robert **Baumann** is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated. Yes. The forklift is ready for use.

 Mill Group Chat | You, Brian, Don, +8

 Jordan Tidaback 3/14 9:04 AM

Robert **Baumann** is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated.

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/14 9:00 AM

The Toyota forklift is repaired and is good to use...

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Robert **Baumann** 3/14 8:59 AM

Ok we will try it I went up and got excess material from the spots it was built up on and am waiting for the guys to help reassemble the rest of the pulverizer guess to start up...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/14 8:56 AM

Good Morning Gentlemen. Robert **Baumann** Lets not start the exhaust blower motor outside by the crusher ramp today and see if today is a better run.


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 Robert **Baumann** 3/13 2:41 PM


[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo]  
SO488 Julie Ann Cureg...

 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/13 2:30 PM

Robert **Baumann** John Spears something broke inside the pulverizer Ok. We'll dig into it.

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/13 2:29 PM


[Media]

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/13 2:29 PM

John Spears something broke inside the pulverizer...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/13 2:28 PM

[Media]

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/13 2:25 PM

Russell Tidaback Jeff just hooked the motor back up and ever since we have been worrying about the excess dust. It might be that motor is pushing too much air volume through the system. It didn't help just going to shut down a lil early to go up and sweep the product that is built up causing the problem...



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Robert **Baumann** 3/13 1:55 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-449 Julie Ann Cureg...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/13 1:14 PM

The blower motor outside, by the roll up door by the ramp. I'm thinking the is giving us the excess dust. Ever since Jeff repaired that motor we've been dealing with excess dust. Robert **Baumann** turn that blower motor off and let's see if this solves any excess dust issue.




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 John Spears 3/13 1:03 PM


Julie Ann Cureg Hi John Spears Robert **Baumann** please run Cilas Report for SO-449 also. Thanks! Will do. Thank you. Will we hard copy the Cilas report for SO-449 or by email?

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/13 12:48 PM


Julie Ann Cureg SO-290-B is complete now also...

 ATMO - Operations | You, Don, Gwen, +4

 Julie Ann Cureg 3/13 12:47 PM

Hi John Spears Robert **Baumann** please run Cilas Report for SO-449 also. Thanks!

 ATMO - Operations | You, Don, Gwen, +4


 John Spears 3/13 12:37 PM


Robert **Baumann** John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here Ok

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/13 12:37 PM

John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here...

 Mill Group Chat | You, Brian, Don, +8

 John Spears 3/10 2:36 PM

Robert **Baumann** Also John Spears did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags I'll get that done. Thanks

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John Spears 3/10 12:15 PM

Russell Tidaback Robert **Baumann** Is the Bagger working to run the 100#s? Not yet. The sequence of operations through the PLC of just a solenoid is not firing the impeller.



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 3/10 12:13 PM

Robert **Baumann** Is the Bagger working to run the 100#s?


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 Robert **Baumann** 3/10 12:12 PM  
Yep just seen that thank you...


 ATMO - Operations | You, Don, Gwen, +4


 Jordan Tidaback 3/10 12:11 PM  
Robert **Baumann** I think we still need to do SO-290-B (Bright Abrasives, 20 bulk bags, OGR). Then SO-377 A & B would be next for bulk bags.


 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 3/10 12:03 PM  
Russell Tidaback I'm looking at the calendar next bulk bag order would be so-377 ????


 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/10 12:02 PM  
SO -449 is complete Julie Ann Cureg 21 bulk bags...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/10 11:41 AM  
Ronnell Fondren where you at...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/10 10:22 AM  
Julie Ann Cureg Good morning John Spears. Can I have the scanned signed BOL for SO-447, please? Thank you! Also John Spears did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags...

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Mill Group Chat | You, Brian, Don, +8



John Spears 3/10 8:14 AM

Good morning Mill Crew. We'll continue with DGR bulk bags. Robert **Baumann** task out the grease guns please. Dryer bed, outside bearings, scrolls. Etc.



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Robert **Baumann** 3/9 5:43 PM

Yes...


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 Russell Tidaback (You) 3/9 5:43 PM


ah... yes. Robert **Baumann** can you get the paperwork to John so he can get it scanned to Julie Ann Cureg

 Mill Group Chat | You, Brian, Don, +8


 Julie Ann Cureg 3/9 5:41 PM

Robert **Baumann** Sorry I didn't know Are you still at the mill? If so, I need the BOL signed by the driver so I can email it to the customer.

 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 3/9 5:41 PM


Nope, you are good. Robert **Baumann** The shipper specific BOLs are a pain to deal with. Julie Ann Cureg will make sure the right one is used moving forward.

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/9 5:39 PM

Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Sorry I didn't know...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/9 5:13 PM

[Captured photo] The other one just like this but corrected shipping addresses...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/9 5:09 PM

Jordan Tidaback Did we use the BOL they needed? I didn't think Rob had access to that folder? Driver got all the correct info on his copy he said he needed...

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Russell Tidaback (You) 3/9 5:43 PM

ah... yes, Robert **Baumann** can you get the paperwork to John so he can get it scanned to Julie Ann Cureg



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Julie Ann Cureg 3/9 5:41 PM

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Russell Tidaback (You) 3/9 5:41 PM

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Robert **Baumann** 3/9 5:39 PM

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Robert **Baumann** 3/9 5:13 PM

[Captured photo] The other one just like this but corrected shipping addresses...



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Robert **Baumann** 3/9 5:09 PM

Jordan Tidaback Did we use the BOL they needed? I didn't think Rob had access to that folder? Driver got all the correct info on his copy he said he needed...



Mill Group Chat | You, Brian, Don, +8



John Spears 3/9 5:01 PM

Robert **Baumann** Got it handled John Spears Good deal. Thanks. I'll go back to Mr. Ulmer.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:00 PM

[Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg SO-488 partial for air shipping 2 bulk bags...



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Robert **Baumann** 3/9 4:57 PM  
Got it handled John Spears...

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John Spears 3/9 4:55 PM  
Robert **Baumann** I'm headed back to the office to print the new BOL. It got past 3:30 and I didn't think they were coming and I kinda forgot. Hold on.

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Julie Ann Cureg 3/9 4:51 PM  
Robert **Baumann**. Here's the link to the folder...

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/9 4:50 PM  
Robert **Baumann** Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg NNR GLOBAL LOGISTICS USA INC.1701 NICHOLAS BLVDELK GROVE VILLAGE, IL 60007US

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Ronnell Fondren 3/9 4:45 PM  
20230309\_153558 1.jpg John Spears Robert **Baumann** We need to replace this because it will eventually eat that belt up

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/9 4:44 PM  
Julie Ann Cureg Hi John Spears Robert **Baumann** NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment. Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/9 3:55 PM  
Hi John Spears Robert **Baumann** NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment.

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 3/9 10:35 AM  
[Media] [Media] [Media]

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Jordan Tidaback 3/9 10:32 AM

Robert **Baumann**...Robert **Baumann** could you please take a picture of the 2 bags for air shipment for SO-488?...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 9:50 AM

John Spears Did we get the bottom door installed? We wanted to leave it open for trial run had it caution tape off everything looks and sounds ok we are "rolling that beautiful bean footage" as John Spears would say...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 9:44 AM

Russell Tidaback okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done. Fixing to try the elevator now everything looks good...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/9 9:37 AM

Someone, other than John, please examine the Classifier elevator bearings. Make sure these are greased, and relay what you see and do up there to John. Jim Hoover Patrick Lewis Ronnell Fondren Robert **Baumann**



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/8 5:57 PM

Should be good thanks see you in the morning...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/8 5:51 PM

Robert **Baumann** Thanks I thought I had it in a chat with you and John sorry No worries. Just making sure everything was okay with Mom. :- ) If you need anything let us know.



Mill Group Chat | You, Brian, Don, +8



John Spears 3/8 5:19 PM

Russell Tidaback Robert **Baumann** SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request. Will do.



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ATMO - Mill Mgmt You, Don, John, +2



John Spears 3/8 5:18 PM

Robert **Baumann** Had to get a few stitches and sore but ok having to board up a window now 😞 Glad she's doing good.

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 3/8 5:17 PM

Thanks I thought I had it in a chat with you and John sorry...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 3/8 5:16 PM

Had to get a few stitches and sore but ok having to board up a window now 🤔 ...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/8 5:13 PM

Robert **Baumann** Your mom okay?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/8 4:29 PM

Robert **Baumann** SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/8 10:48 AM

Ronnell Fondren Russell Tidaback John Spears Jordan Tidaback Robert **Baumann** We need another 100ft of air hose please and thank you We have other air hoses I will find you one

Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/8 10:45 AM

Russell Tidaback John Spears Jordan Tidaback Robert **Baumann** We need another 100ft of air hose please and thank you

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/8 9:26 AM

...John Spears Robert **Baumann** Let's not forget about the packer. It needs to be cleaned this morning. O'Jim will be back to assist in troubleshooting around 10am. I'd like Jim Hoover to assist O'Jim. So let try and get the bagger cleaned before 10am as we talked yesterday. The microswitch s.....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/8 9:24 AM

...John Spears Robert **Baumann** Let's not forget about the packer. It needs to be cleaned this morning....

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Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/6 2:26 PM

Russell Tidaback John Spears Robert **Baumann** Patrick Lewis RJ Williams Jim Hoover can we get a snake to clean the vacuum/air system please and thank you

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/6 11:52 AM

Jordan Tidaback John Spears Robert **Baumann** Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow. Thank you.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 3/6 11:52 AM

John Spears Robert **Baumann** Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/6 10:38 AM

Robert **Baumann** please come to the green monster with the LOTO key.

Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/6 10:19 AM

Robert **Baumann** John Spears Russell Tidaback Jordan Tidaback I am on the ground to provide safety to Pat while he is up on the Cat Walk for the Elevator

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/6 9:01 AM

...Robert **Baumann** please make sure the power is LOTO for the elevator scroll and green monster scroll for Jim....

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 3/4 1:28 PM

Robert **Baumann** John Spears Jordan Tidaback can I get another bol printed for SO-447 for the driver please Oops my apologies, I only printed 1!

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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 3/3 1:01 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] Julie  
Ann Cureg SO-447 21bulk bags dgr...

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ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 3/3 12:39 PM

Robert **Baumann** John Spears Jordan Tidaback can I get another bol printed for SO-447 for the driver please  
Sure thing.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 3/3 12:38 PM

John Spears Jordan Tidaback can I get another bol printed for SO-447 for the driver please...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/3 12:37 PM

Ronnell Fondren you noted on the forklift exam for the Toyota that the mast needed lubricant. Did you inform  
Robert **Baumann** that it needed to be lubed? Then we can amend the exam after the lubricant is applied.  
Thanks

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/3 12:06 PM

Patrick Lewis Robert **Baumann** John Spears this looks to be the issue Where is this?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 3/3 10:37 AM

Jordan Tidaback is there paperwork to get Ron forklift operator okayed...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/3 10:33 AM

[Captured photo] Can we get another one of these ordered and clear packing tape and a couple rolls of  
ductape for the mill plz...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 3/3 10:07 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d10-fa6e2b553d395da8f729bbf49a64cb4e/views/imgo] Robert  
**Baumann** John Spears this looks to be the issue

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/3 8:40 AM

Work place exam training in the conference room at 8 am Jim Hoover Patrick Lewis RJ Williams Ronnell  
Fondren...



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 3/3 8:08 AM

We shipped 15 bags of 50 pound AFC they requested 28 fifty pounders all we had was 15 in stock...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/2 10:27 PM

Robert **Baumann** Please confirm, Did we ship 28 bags of AFC or 15 bags of AFC last week?

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/2 5:17 PM

Ronnell Fondren get the Genie key from Robert **Baumann** and go get the come-along down. Please.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/2 2:54 PM

Julie Ann Cureg Robert **Baumann** John Spears just to confirm, will the 2 bags for air shipment be on pallet? Yes ma'am they are

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/2 2:38 PM

Robert **Baumann** John Spears just to confirm, will the 2 bags for air shipment be on pallet?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/2 1:48 PM

Russell Tidaback we are all in the break room if you have time now...

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/2 11:50 AM

Robert **Baumann** SO-555 Julie Ann Cureg Hi Robert **Baumann** Do you have any other pic for SO-555 which proves that we shipped the exact number of orders? as per Collinite Corp., they only received 15 Bags out of 28 bags (750 lbs) But the BOL signed by the carrier, we shipped 1958 lbs.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/1 12:37 PM

Robert **Baumann** We have 28 -40by48 pallets left John Spears Russell Tidaback Ok. Thanks.

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Mill Group Chat You, Brian, Don, +8

Robert **Baumann** 3/1 12:35 PM

We have 28 -40by48 pallets left John Spears Russell Tidaback...

Mill Group Chat You, Brian, Don, +8

Russell Tidaback (You) 2/28 10:55 AM

Robert **Baumann** can you get someone who has been up on the catwalk on the outside elevator and remove the guarding so it can be repaired? They will need a harness.

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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/23 3:43 PM  
Please confirm we have [image] Robert **Baumann** John Spears

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 2/20 4:04 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-435 Julie Ann  
Cureg21 bags of dgr...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/18 12:05 AM  
John Spears Robert **Baumann** I need for you two gentlemen over this weekend to think about what transpired  
with MSHA starting Monday. Make some notes initially on things you remember as next week I will need you to  
put the pieces together into a formal statement. What happened Monday should not have happened.

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/17 3:00 PM  
Robert **Baumann** They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total  
John Spears cheapest around Good deal. I'll be there tomorrow.

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert **Baumann** 2/17 2:58 PM  
[Captured photo] They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total  
John Spears cheapest around...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 2/14 5:07 PM  
[Selected photo] [Selected photo] [Selected photo] SO-555 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 2/14 2:12 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected  
photo] [Selected photo] [Selected photo] 21 bags of ogr SO-290-A Julie Ann Cureg...

Russell Tidaback (You)

RB Robert **Baumann** 2/14 1:13 PM  
Idk this guy is out for blood we are removing product from floor now...



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Russell Tidaback (You)



Robert **Baumann** 2/14 12:59 PM

Electrical...



Russell Tidaback (You)



Robert **Baumann** 2/14 12:39 PM

Msha inspector told me to lock the doors and no one was allowed in until he okayed it...



Russell Tidaback (You)



Robert **Baumann** 2/14 12:34 PM

The driver showed up when we weren't allowed into the mill yet I asked the guys they spoke to him...



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 2/14 12:23 PM

Robert **Baumann** can you print to the admin office printer off the computer in the mill?



ATMO - Operations | You, Don, Gwen, +4



John Spears 2/14 12:23 PM

Robert **Baumann** We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags  
Sure thing, I'll get it printed when I get back to the office.



ATMO - Operations | You, Don, Gwen, +4



Julie Ann Cureg 2/14 12:14 PM

Robert **Baumann** We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags  
It's in the folder.



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 2/14 12:13 PM

Julie Ann Cureg Good morning Robert **Baumann** John Spears. [image] We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags



ATMO - Operations | You, Don, Gwen, +4



Julie Ann Cureg 2/14 12:03 PM

Good morning Robert **Baumann** John Spears. [image]

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ATMO - Maintenance Group | You, Don, Joe, +3



Russell Tidaback (You) 2/13 11:43 AM

Robert **Baumann** for now, lets not turn the valve to idle. Just stop just short of idle in case there is carbon build up in the valve.

ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/13 11:01 AM

It keeps backing off even when it is set now something has to be going out and it seems like it's getting worse John Spears it will run fine for only a minute or two now temp keeps backing off randomly...

ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/13 10:45 AM

[Selected photo] [Selected photo] [Selected photo] Can't get the regulator to work on the burner system usually you tap on the regulator and it gets it going but now it won't work at all. Was working fine til now...

ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/13 8:56 AM

Gage Wheeler John Spears as soon as you get here can we get the belt back on the lil Mac it threw one and we can check the other 2...

ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 2/12 11:38 AM

Robert **Baumann** John Spears - For Monday 13FEB, to give Gage time to troubleshoot the packer... [image]

ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 2/10 4:35 PM

SO-435 21bulk bags is completed and ready for shipping arrangements Julie Ann Cureg...

ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 2/10 4:34 PM

Russell Tidaback SO-555 is added to the production schedule, Robert **Baumann** Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR).John Spears The 5lb bags need to be pulled from the small bag inventory and will... Order is wrapped and ready Julie Ann Cureg

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Mill Group Chat You, Brian, Don, +8



**Robert Baumann** 2/10 12:06 PM

[Selected photo] We will continue to run bulk bags while Gage Wheeler works on the bagger we are losing to much product trying to bag 100 pounders not very feasible...

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Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 2/10 10:21 AM  
Still having issues with bagger so we are currently running bulk bags...

ATMO - Maintenance Group | You, Don, Joe, +3

**Robert Baumann** 2/10 9:31 AM  
But we are having issues with the bagger...

ATMO - Maintenance Group | You, Don, Joe, +3

**Robert Baumann** 2/10 9:30 AM  
I got it figured out nevermind but...

ATMO - Maintenance Group | You, Don, Joe, +3

**Robert Baumann** 2/10 9:20 AM  
Gage Wheeler can you help us see if we can get the low bin light to work on the bagger...

ATMO - Operations | You, Don, Gwen, +4

**John Spears** 2/10 9:06 AM  
**Robert Baumann** Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears I'm on it.

ATMO - Operations | You, Don, Gwen, +4

**Robert Baumann** 2/10 8:58 AM  
Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears...

ATMO - Mill Mgmt | You, Don, John, +2

**Russell Tidaback (You)** 2/10 8:49 AM  
Good Morning, **Robert Baumann** Lets jump back on SO-298 today. [image]

ATMO - Operations | You, Don, Gwen, +4

**Russell Tidaback (You)** 2/9 6:17 PM  
SO-555 is added to the production schedule, **Robert Baumann** Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR)....

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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 2/9 12:38 PM  
Julie Ann Cureg SO-438 15 bulk bags is completed and ready...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 2/9 10:21 AM  
Russell Tidaback SO-554 is added to the production schedule, Robert **Baumann** Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork. Julie Ann Cureg this order is ready to be shipped out

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/9 5:54 AM  
Good Morning Robert **Baumann** - Once we finish SO-438 from yesterday, lets jump on SO-435

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 2/8 4:31 PM  
Julie Ann Cureg SO-290 & SO-411 is complete per the production schedule. Please process for shipment. John Spears Robert **Baumann**

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 2/8 4:26 PM  
SO-554 is added to the production schedule, Robert **Baumann** Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 2/8 3:52 PM  
Awesome thank you. You know I'm such a wizard on these computers 😊 ...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 2/8 3:47 PM  
On the daily production it's not letting me put yes in the order complete column Russell Tidaback Jordan Tidaback...




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 ATMO - Maintenance Group You, Don, Joe, +3

 **Robert Baumann** 2/7 10:08 AM  
Was also smoking out of the controller box...

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ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 2/7 10:06 AM  
So still can't run 100 sacks ran two bulk bags to switch to dgr and this is what happened when we tried bagging...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 2/6 1:52 PM  
Gage Wheeler electric company is here...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 2/6 1:42 PM  
[Selected photo] [Selected photo] [Selected photo] SO-520 SO-527 Julie Ann Cureg...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 2/6 8:58 AM  
Should we go ahead and produce the other 4 bulk bags for SO-290 to complete it to switch to dgr...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 2/6 8:53 AM  
Just 20 we need 400 more the 17 bags got counted into inventory...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 2/6 8:49 AM  
Robert **Baumann** John Spears Per the Schedule [image]

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/6 8:32 AM  
Robert **Baumann** John Spears Before sending this to the Mill Group chat, wanted to ask if the 37 bags produced on 26DEC are labeled and set aside from the inventory count or do we need to produce all 420 bags? [image]

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 2/5 9:07 PM  
I want to make sure the flour elevator is running first thing. Before anything else is done. We'll get the burner fired up. While it is warming We'll get the packer area cleaned up. We'll be sure to get the fourth floor auger door closed up. Robert **Baumann**

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Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 2/3 2:40 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-540 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 2/3 10:44 AM  
**Robert Baumann** John Spears can I have the scanned signed BOL for SO-546? Thank you!

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 2/2 4:05 PM  
John Spears ~~SO-546~~ SO-546 Julie Ann Cureg...

ATMO - Operations | You, Don, Gwen, +4

**Robert Baumann** 1/31 4:07 PM  
Julie Ann Cureg John Spears is SO-546 ready to be shipped? Yes it is ready...

ATMO - Operations | You, Don, Gwen, +4

John Spears 1/30 12:44 PM  
We'll get the items pulled and wrapped today. **Robert Baumann** Thanks.

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/30 12:42 PM  
SO-546 is added to the production schedule, to be pulled from inventory. Please process the shipping paperwork as the customer needs this shipped ASAP. Julie Ann Cureg John Spears Its the 5 OGR & 38 DGR mentioned Friday. **Robert Baumann**

Mill Group Chat | You, Brian, Don, +8

John Spears 1/30 7:50 AM  
**Robert Baumann** Gage Wheeler be careful it's slick in places. Give yourself plenty of time.

ATMO - Operations | You, Don, Gwen, +4

**Robert Baumann** 1/27 4:13 PM  
Russell Tidaback John Spears Please confirm we have the OGR and DGR listed here in Inventory. I am sure the customer will be wanting these shipped out Monday... Yes we have these in stock...



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Mill Group Chat | You, Brian, Don, +8

John Spears 1/27 8:59 AM

Jim Hoover Robert **Baumann** RJ Williams Gage Wheeler good morning everyone. Jim please continue in the tube mill. Rob or RJ will be there with you. Gage let's get the green packer worked over today. Rob or RJ can assist. I'll be out there as well. We're gonna have a good day.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/26 11:37 AM

Russell Tidaback Robert **Baumann** Please package and pull SO-540 from the inventory, tomorrow (Thursday 26JAN23). John Spears Julie Ann Cureg SO 540 is ready to be shipped Russell Tidaback Julie Ann Cureg

Mill Group Chat | You, Brian, Don, +8

John Spears 1/26 9:20 AM

Jim Hoover Patrick Lewis RJ Williams Robert **Baumann** Gage Wheeler Alright everyone, we all have our assignments so let's get going and have a productive day.

Mill Group Chat | You, Brian, Don, +8

John Spears 1/26 9:19 AM

Jim Hoover Patrick Lewis RJ Williams Robert **Baumann** Gage Wheeler Alright everyone, we all have our assignments so let's get going and have a productive day.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/25 6:06 PM

Robert **Baumann** Please package and pull SO-540 from the inventory, tomorrow (Thursday 26JAN23). [image]  
 John Spears Julie Ann Cureg

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/25 3:22 PM

John Spears Robert **Baumann** I thought for sure Kensley and I counted some AFR. Maybe we thought it was something else. I'll come look here in a minute. Thanks. John Spears Robert **Baumann** Did we get this sorted out? The customer is calling again.

ATMO - Operations | You, Don, Gwen, +4

John Spears 1/25 11:48 AM

Robert **Baumann** I thought for sure Kensley and I counted some AFR. Maybe we thought it was something else. I'll come look here in a minute. Thanks.

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 ATMO - Operations You, Don, Gwer, +4

 Robert **Baumann** 1/25 11:46 AM

Russell Tidaback John Spears we have the 9 bags of AFC cream 50# but no rose AFC 50#

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Mill Group Chat | You, Brian, Don, +8

KB | Kensley Brewer 1/23 4:34 PM

Robert **Baumann** SO289-A Julie Ann Cureg Russell Tidaback

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/23 4:31 PM

...John Spears Robert **Baumann** Kensley Brewer...

Quarry Operations | You, Gwen, John, +2

AW | Andrew Wasson 1/23 9:55 AM

Robert **Baumann** should I bring another load of rose

ATMO - Maintenance Group | You, Don, Joe, +3

RB | Robert **Baumann** 1/20 3:32 PM

Gage Wheeler me pat and rj went and cleaned out the filters per john and we are still blowing out alot of dust out the exhaust before we did so we were talking about why it could be happening, we need to check the... Yes usually it clears up pretty quickly in the mornings after I get the product off the filters. I'm...

ATMO - Operations | You, Don, Gwen, +4

RB | Robert **Baumann** 1/20 3:01 PM

Kensley Brewer Robert **Baumann** seen this on my way back from lunch is everything ok John Spears Russell Tidaback ?

ATMO - Operations | You, Don, Gwen, +4

RB | Robert **Baumann** 1/20 2:58 PM

Kensley Brewer Robert **Baumann** seen this on my way back from lunch is everything ok Thank you I'm shutting it back off I thought it would clear up

ATMO - Operations | You, Don, Gwen, +4

KB | Kensley Brewer 1/20 2:55 PM

Robert **Baumann** seen this on my way back from lunch is everything ok

ATMO - Operations | You, Don, Gwen, +4

Julie Ann Cureg 1/20 2:40 PM

...Understandable... remember WE control the pace of the shipments going out. Robert **Baumann** should be notifying you Kensley, when an order is completely done. Kensley, you should verify this and then notify Julie/Gwen that order SO-xxx is ready for pickup. We should never advise Julie Ann .....

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ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 1/20 2:25 PM

...remember WE control the pace of the shipments going out. Robert **Baumann** should be notifying you Kensley, when an order is completely done. Kensley, you should verify this and then notify Julie/Gwen that order SO-xxx is ready for pickup....



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/19 3:58 PM

[Selected photo] [Selected photo] This is the lil Mac filters after approximately 4 running hours they were rotated and brushed off before start up. The dusting out of this seems to be getting worse all the sudden...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/19 1:19 PM

[Selected photo] [Selected photo] Chain has came off sprocket again on pick belt and exhaust temp will not reach temp again...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/19 11:51 AM

Been rotating and getting lil Mac filters cleaned off before start ups yesterday was great with the rain and wind today and other days they are producing excess dusting after approximately 2 n half 3 hrs of run time when product builds up on filters wind is north east today and going towards town...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/18 3:40 PM

Julie Ann Cureg...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/18 3:40 PM

[Selected photo] [Selected photo] [Selected photo] SO289-B...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/18 2:23 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-431 Julie Ann Cureg...



Quarry Operations | You, Gwen, John, +2



Robert **Baumann** 1/18 1:15 PM

Yes I believe it will fit then Rj will show you...

Exhibit P-13, Page 066

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ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 1/18 12:47 PM

Lens\_1674063801758.mp4 There is product coming through the new bearing is there anything we can do to prevent this from damaging the new bearing and shaft

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/17 3:33 PM

SO 530...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/17 11:21 AM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] SO289-A Julie Ann Cureg...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/17 11:20 AM

...Then ensure Robert **Baumann** has been given all the correct paperwork...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/17 10:27 AM

Russell Tidaback Kensley Brewer According to the Daily Production Schedule spreadsheet SO-431 is complete. Please confirm, Yes it got completed yesterday...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/17 10:12 AM

Robert **Baumann** We have completed SO-289-B as well correct? [image]

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/17 10:08 AM

I think this might be part of the confusion...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/17 10:08 AM

[Selected photo] The bol has 40 bags...



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 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 1/17 10:08 AM  
Robert **Baumann** Only shipping 289-A today (20 bags) correct?


 ATMO - Operations | You, Don, Gwen, +4

 RB Robert **Baumann** 1/17 10:03 AM  
Ok I will have her get me the 289 -A paperwork...


 ATMO - Operations | You, Don, Gwen, +4

 RB Robert **Baumann** 1/17 9:55 AM  
We have a truck here for SO-289-A this is that order that got mixed up we have 287 A & B...


 ATMO - Operations | You, Don, Gwen, +4

 RB Robert **Baumann** 1/17 9:44 AM  
Russell Tidaback Kensley Brewer John states "We have several Bulk bags of OGC in the quarry garage." Is this count include those in the garage? 📷 These count's are correct also...


 Russell Tidaback (You)

 RB Robert **Baumann** 1/17 9:37 AM  
Hey I let John know but I'm going to be having to get rides til next week so I'll be leaving at different times til next Friday I'm so sorry for the inconvenience. My car broke down and can't get it fully paid for til next week. I will do my best to get everything going good...


 Mill Group Chat | You, Brian, Don, +8

 JS John Spears 1/16 12:33 PM  
Jim Hoover Patrick Lewis RJ Williams Robert **Baumann** I am going to the quarry to check out the dozer activity. Be back in an hour.

 Mill Group Chat | You, Brian, Don, +8

 RB Robert **Baumann** 1/16 10:47 AM  
The bulk feed scroll that you guys fixed the other day...

 Mill Group Chat | You, Brian, Don, +8

 RB Robert **Baumann** 1/16 10:42 AM  
The Lovejoy came apart again...

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Quarry Operations | You, Gwen, John, +2

**Robert Baumann** 1/16 10:42 AM  
Andrew Wasson I'm in the shop pre tripping the truck do you guys need a load No not yet...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/16 9:30 AM  
John Spears Robert **Baumann** What happened to 1/11/2023? If we didnt produce, we still need to put in the DAILY production schedule why. The only reason we should skip over a date is due to it being a scheduled day off/holiday....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/16 9:30 AM  
Robert **Baumann** this is also why it needs to be communicated in this group when we are down/not producing for more than 60 minutes anytime during production hours (8am-430pm)....

ATMO - Mill Mgmt | You, Don, John, +2

**John Spears** 1/13 5:58 PM  
Russell Tidaback okay guys... Robert **Baumann** John Spears This is the only pic we have of SO-476. No pic of it being loaded in the truck, etc. and by this message, I have to assume we have to blame this one on Ben... 😊 ... Sounds good. I like the minimum order idea.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/13 5:08 PM  
okay guys... Robert **Baumann** John Spears...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 1/13 5:05 PM  
Yes all are wrapped n ready...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/13 5:05 PM  
Robert **Baumann** How about SO-530?

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Mill Group Chat You, Brian, Don, +8



Russell Tidaback (You) 1/13 5:03 PM

Robert **Baumann** John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg Robert **Baumann** Did we get SO-520 & SO-527 packaged and ready to ship?



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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/13 10:30 AM  
SO -530 is ready to go out the door Julie Ann Cureg Kensley Brewer...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/12 3:52 PM **IMPORTANT**  
SO-530 has been added to the Production Schedule, please prepare the shipping documents. This will most likely be shipped out tomorrow. Please coordinate with Robert **Baumann** and Julie Ann Cureg notify customer once labelled/wrapped and ready for shipment. They are in desperate need for this (according to them)....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/12 3:49 PM  
CORRECTED - should be DGR Robert **Baumann** - This needs to be pulled from inventory. Julie/Kensley are working on the labels & shipping documents. The customer will most likely try to have it picked up tomorrow. just FYI. [image]

Web Development | You, Anne, Gwen, +3

Russell Tidaback (You) 1/12 11:15 AM  
...Rob **Baumann**...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 1/12 11:06 AM  
John Spears Robert **Baumann** - just a heads up in case you hear from Ben Waters regarding his paycheck deduction amount. The deduction is for the prorated amount of his steel-toed boot reimbursement....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/12 10:31 AM  
Robert **Baumann** Also advise him to look at his ADP account for this info. It is provided, no reason to rely on you to know.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 1/12 10:11 AM  
Jordan Tidaback Hi Robert **Baumann** - no, it resets at the beginning of every calendar year. Thanks he hasn't been here and sent me a message to use vacation so I will let him know

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ATMO - Mill Mgmt You, Donj John, +2



Jordan Tidaback 1/12 10:03 AM

Robert **Baumann** Does Jim have vacation time Hi Robert **Baumann** - no, it resets at the beginning of every calendar year.

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ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 1/12 9:52 AM

...Did we produce yesterday? The daily production wasn't filled out either. Robert **Baumann** Make sure you do the shift lead closeout at the end of each day. Closeout: Shifts updated Daily Production spreadsheet.....

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 1/12 9:47 AM

Jordan Tidaback Hi Robert **Baumann** - could you add the mill team's hours in shifts, please? I don't want too many days to go by without tracking it. Does Jim have vacation time

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/12 9:02 AM

With the Daily Production spreadsheet, I see the Months and To From Stock tabs as Shift Lead / Robert **Baumann** responsibility and the On-hand and Expendable Items Inventory as the Production Coordinator / Kensley responsibility. [image] Anyone have different thoughts?

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/12 8:40 AM

...Robert **Baumann** Make sure you do the shift lead closeout at the end of each day....

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 1/11 6:08 PM

Yes I will get it caught up in the morning sorry...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 1/11 5:36 PM

Hi Robert **Baumann** - could you add the mill team's hours in shifts, please? I don't want too many days to go by without tracking it.

ATMO - Operations | You, Don, Gwen, +4

**Robert Baumann** 1/11 4:15 PM

[Selected photo] I believe the mix up is the bags didn't get pulled from overstock count and got assigned twice...

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ATMO - Operations You, Don, Gwen, +4



Russell Tidaback (You) 1/11 3:43 PM

Robert **Baumann** / John Spears Can you confirm that SO-287-A has NOT been produced yet? Per the 2022 DEC daily production spreadsheet is was... [image] [image] Julie Ann Cureg

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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 1/11 11:05 AM

Lot's better out of lil Mac but pouring dust out the tall stack/ green monster what should we do John Spears  
Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 1/11 9:26 AM

Robert Baumann John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and  
shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg We're in MSHA training. She'll  
make them on our break in a little while. Thanks.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 1/11 9:19 AM

John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork  
as soon as it's available for so-520 so 527 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 1/11 8:25 AM

Russell Tidaback Robert Baumann Please package these and let Julie Ann Cureg know when these are ready for  
shipment pickup. Thanks!! [image] [image] I'm about to be at work sir. I'll get these pulled and ready to ship

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/11 8:14 AM

Robert Baumann Please confirm SO-290 is packaged and ready for shipment. Julie Ann Cureg FYI...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/11 8:09 AM

Robert Baumann Please package these and let Julie Ann Cureg know when these are ready for shipment  
pickup. Thanks!! [image] [image]

ATMO - Operations | You, Don, Gwen, +4

RB Robert Baumann 1/11 8:07 AM

Yes thank you...

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ATMO - Operations You, Don, Gwen, +4



Robert **Baumann** 1/11 8:05 AM

It would be easier with usually only three of us lately to get things going in the morning it would be a great help



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ATMO - Operations | You, Don, Gwen, +4

**Robert Baumann** 1/11 8:01 AM

Russell Tidaback SO-520 and SO-527 have been added to the Production Schedule, please prepare the shipping documents. Julie Ann Cureg Kensley Brewer NOTE: Robert **Baumann** / John Spears - These orders are to be pulled... Can you send me what they are please so we can get it together to save time

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/11 7:45 AM

...NOTE: Robert **Baumann** / John Spears - These orders are to be pulled from inventory and combined on one pallet and packed for shipment preferably today. Let us know when these are packaged and ready for shipment....

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 1/10 5:05 PM

[Selected photo] [Selected photo] Also looks like a lot of the product upon starting up is falling from the green box filters ran it approximately 1.5 hrs for clear out and lots of product still falling...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 1/10 4:25 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] Appears this is not functioning correctly and product is just sitting on top of filters...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 1/10 3:01 PM

Getting some excess dusting out of the lil Mac and the wind is not in our favor so going to shut down a lil early and swap filters out Russell Tidaback John Spears...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 1/6 12:20 PM

Don't know what we did but we got it going been running for a few now sorry Gage Wheeler didn't have my phone on me...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 1/6 10:56 AM

Burner is not wanting to stay lit it's getting to 160 180 and kicking off been trying different things any ideas Jim Hoover Gage Wheeler...



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Mill Group Chat | You, Brian, Don, +2

Robert **Baumann** 1/5 2:45 PM

That's not scheduled til May for production RJ Williams...

ATMO - Company Wide group chat | You, Brian, Don, +4

Russell Tidaback (You) 1/4 9:39 PM

...John Spears Jim Hoover Patrick Lewis Robert **Baumann** RJ Williams Kensley Brewer Gage Wheeler Andrew Wasson Jordan Tidaback



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Mill Group Chat | You, Brian, Don, +8

JS John Spears 1/4 9:00 PM

...RJ Williams please continue with crushing rose. Robert **Baumann** will help me run a water tube up to the fourth floor so we can set up the sprayer over the Donaldson exhaust vent. I'll be getting the water connected in the basement. Thank you.

Quarry Operations | You, Gwen, John, +2

RB Robert **Baumann** 1/4 4:49 PM

Andrew Wasson Robert **Baumann** are you running rose again in the morning Yes

Quarry Operations | You, Gwen, John, +2

AW Andrew Wasson 1/4 4:38 PM

Robert **Baumann** are you running rose again in the morning

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/4 4:28 PM

...John Spears Kensley Brewer Robert **Baumann** Andrew Wasson

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert **Baumann** 1/4 2:02 PM

Having issues with the g40 feed keeps kicking off and we need to check the belts on the classifier been feeding product but really having to baby sit it. Tube mill charge is a little low but shouldn't be causing all of this...

Quarry Operations | You, Gwen, John, +2

RB Robert **Baumann** 1/4 12:00 PM

Andrew Wasson we are ready for rose at the mill...

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ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 1/4 11:12 AM

Robert **Baumann** Do we have what we need to repair the water pipe for the Mill I'm figuring that today.

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert **Baumann** 1/4 10:17 AM

Do we have what we need to repair the water pipe for the Mill...

ATMO - Operations | You, Don, Gwen, +4

RB Robert **Baumann** 1/4 10:16 AM

John and Jim had ran 3 bags on Friday night did they get put in...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 1/4 9:07 AM

Yes I seen that thanks for the heads up...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 1/4 6:43 AM

Russell Tidaback Robert **Baumann** John Spears SO-289, 20 bags done, need 20 more to complete the order...

Question so is there an a and b part to 289 you couldn't ship 40 bags at once

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/4 1:52 AM

Robert **Baumann** John Spears SO-289, 20 bags done, need 20 more to complete the order... [image]

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 Quarry Operations | You, Gwen, John, +2


 Robert **Baumann** 1/3 2:26 PM  
Probably not today but thanks...


 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 1/3 2:00 PM  
Patrick Lewis This only 11 pallets No...


 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 1/3 1:57 PM  
Patrick Lewis LOL Getting it now Patrick Lewis and John Spears is working on our sweet treat 🍪 ...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 1/3 1:55 PM  
Patrick Lewis It's a swift truck lol Confirm it's for order So 292...


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 1/3 1:52 PM  
Getting the paperwork for it now thanks...


 Mill Group Chat | You, Brian, Don, +8

 Benjamin Waters 1/3 1:25 PM  
Robert **Baumann** per your request SO-292 has been staged for load out , easily accessible.

 Quarry Operations | You, Gwen, John, +2

 Andrew Wasson 1/3 12:32 PM  
Robert **Baumann** I'm almost back to the sheds I'll dump this cream then I'll grab the rose and head that way

 Quarry Operations | You, Gwen, John, +2

 Robert **Baumann** 1/3 12:02 PM  
Andrew Wasson Robert **Baumann** do you guys need a load at the mill? A load of rose please


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 Quarry Operations | You, Gwen, John, +2


 Andrew Wasson 1/3 11:58 AM  
Robert **Baumann** do you guys need a load at the mill?


 ATMO - Maintenance Group | You, Don, Joe, +3


 Robert **Baumann** 1/3 10:25 AM  
[Selected photo] After starting up the Lovejoy on the newer feed scroll has came apart we are currently fixing...


 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 12/29/22 4:04 PM  
Yes and was needing to use Ben and Rj s pto for hours missed last pay period...


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 12/29/22 1:58 PM  
Pat and Rj are in the pit shoveling it out the rest of the guys left already...


 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 12/29/22 12:20 PM  
So we cleaned electrodes checked gas pressure and getting proper voltage to everything to the dryer is there anyway to call the guy to look at it again we are at wits end Russell Tidaback John Spears...


 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 12/29/22 9:44 AM  
Benjamin Waters John Spears, Robert **Baumann** did Randy fix the bagger yesterday ? Is it operational? The bagger is non operational at this time they were looking into it when we discovered the burner issue

 Mill Group Chat | You, Brian, Don, +8

 Benjamin Waters 12/29/22 9:39 AM  
Robert **Baumann**, John Spears do we have a current production schedule available to mill associates with order specifications? Nothing been on the white board in the break room and nothings been posted in the mill group chat ....

 Mill Group Chat | You, Brian, Don, +8

 Benjamin Waters 12/29/22 9:35 AM  
John Spears, Robert **Baumann** did Randy fix the bagger yesterday ? Is it operational?

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/28/22 3:12 PM

Robert **Baumann** John Spears Russell Tidaback had been running decent all day and now having issues with the burner and temps. Exhaust temp wouldn't go above 248 so we are working on it Very good!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/28/22 3:11 PM

John Spears Russell Tidaback had been running decent all day and now having issues with the burner and temps. Exhaust temp wouldn't go above 248 so we are working on it...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/28/22 2:31 PM

John Spears hey Randy is over here in the mill he is visiting and showing maintenance and I a few things...

Quarry Operations | You, Gwen, John, +2

RB Robert **Baumann** 12/28/22 12:59 PM

Andrew Wasson can you come over to the mill when you get a chance...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/28/22 12:15 PM

Robert **Baumann**, John Spears, Bryceton Williams there is a problem on the G40 return scroll.

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/27/22 11:29 AM

Robert **Baumann**...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/27/22 11:27 AM

Robert **Baumann** I will tell Andrew that we are ready for it Yes he knows I told him before he dumped the first load to bring another .

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/27/22 11:16 AM

I will tell Andrew that we are ready for it...



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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/27/22 11:15 AM

Yes I will have Justin come out to scrape it out when we get the other load that he's bringing crushed...

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 12/27/22 11:13 AM

Robert Baumann can 1 of the other 2 mill associates go outside to the dump pit and knock the sides down onto the flight feeder belt. The pole is out there I just did it. The Tripoli has a lot of moisture in it preventing it from sliding down like it normally does

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/26/22 11:09 PM

John Spears Robert Baumann

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/26/22 3:38 PM

Patrick Lewis I cleaned the mess up Thank you Patrick Lewis for being so proactive and being extra helpful with being short staffed...

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 12/26/22 10:30 AM

John Spears Robert Baumann what where the specs for order # 287 B?

Mill Group Chat | You, Brian, Don, +8

John Spears 12/26/22 8:10 AM

Jim Hoover Benjamin Waters Patrick Lewis Robert Baumann RJ Williams Bryceton Williams Good morning everyone. Hope y'all had a nice Christmas. Let's have a productive day.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 2:01 PM

Robert Baumann We only have 20 DGR bags left to fill on this order (SO-292\*). Make sure we combine with the other portion of SO-292. (21 pallets total, 420 bags total) [image] [image]

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 12/23/22 12:39 PM

Robert Baumann we was unable to locate any additional filters for the Donaldson, we did find extra new filters for the little Mac.

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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/23/22 12:35 PM  
Russell Tidaback Ah, I didnt see the note. Yes I tried everything for the date and it was reading invalid...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 12:34 PM  
Ah, okay. Robert Baumann John Spears / Kensley Brewer Probably need to add the filters for the Donaldson, the Green Monster, and the cage filters to the inventory tab on the daily production spreadsheet....

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/23/22 12:32 PM  
Russell Tidaback Did we have 2 on-hand, Robert Baumann? We had used our spares so please order a few for spares we will patch these until we get some

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 12:31 PM  
Also, Robert Baumann Kensley Brewer Please correct this so the Production Schedule can be updated... [image]

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/23/22 12:21 PM  
Ben and rj are looking right now I thought we had saved a couple if not I will have to patch them up...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 12:16 PM  
Did we have 2 on-hand, Robert Baumann?

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/23/22 12:14 PM  
[Selected photo] [Selected photo] Checking and cleaning the Donaldson filters Ben discovered two very damaged ones so getting these replaced and put back together this should help our recent discovery of dusting Monday...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/22/22 8:07 AM  
[Selected photo] Temp dropped 10 degrees since I left...

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Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/21/22 5:18 PM

Robert **Baumann** as you requested sir, the dump pit is now empty material has been crushed .

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/21/22 2:25 PM

[Selected photo] [Selected photo] [Selected photo] Julie Ann Cureg...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 12/20/22 6:51 PM

No he didn't make it...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/20/22 6:50 PM

Did Jim make it in today? Robert **Baumann**

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert **Baumann** 12/20/22 6:48 PM

He called him today for advice 😊 ...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/20/22 4:11 PM

I was waiting for you...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/20/22 4:10 PM

Got it fired up...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/20/22 2:37 PM

We will get it going...



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Quarry Operations | You, Gwen, John, +2

RB Robert Baumann 12/20/22 1:56 PM  
No we are good thank you...

Quarry Operations | You, Gwen, John, +2

AW Andrew Wasson 12/20/22 1:49 PM  
Robert Baumann I'm about to head back from the dry shed should I bring a load of cream ?

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 12/20/22 12:53 PM  
100# bagging started stopping again reset PLC's twice and it worked but now it's not helping but will still keep production going in bulk while we are working on bagger...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/20/22 9:53 AM  
Robert Baumann it should only take two people to run bulk bags.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/20/22 9:46 AM  
Any reason why the guys didn't show up? Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 12/20/22 9:18 AM  
You are the one I'm counting I knew you were here...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/20/22 9:17 AM  
Robert Baumann John Spears Russell Tidaback what do you guys want me to run I have the system running and ready and only have 1 mill associate here Who's the one Robert ? I'm here been here since 8

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 12/20/22 9:14 AM  
John Spears Russell Tidaback what do you guys want me to run I have the system running and ready and only have 1 mill associate here...

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Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/20/22 9:02 AM

John Spears, Robert **Baumann** would you guys like me to continue crushing ? The remaining cream that is currently in the dump pit should top off the cream tank. I know John mentioned yesterday that we needed to get back to filling the rose tanks directly after the cream was finished .

Quarry Operations | You, Gwen, John, +2

JS John Spears 12/19/22 3:25 PM

Andrew Wasson Robert **Baumann** do you want me to load another truck and have bring it back? Another load of cream please. That should fill the tank. Any changes and I'll let you know.

Quarry Operations | You, Gwen, John, +2

AW Andrew Wasson 12/19/22 3:23 PM

Robert **Baumann** do you want me to load another truck and have bring it back?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/19/22 11:24 AM

[Captured photo] This switch is bad gunna keep going in bulk for now...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/19/22 11:16 AM

Robert **Baumann** Where you at we are here Was right behind you .

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/19/22 11:12 AM

Where you at we are here...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/19/22 11:10 AM

Robert **Baumann** we are having technical problems with the pneumatic cylinder that operates the saddle on the bagger

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 12/16/22 2:26 PM

Russell Tidaback Robert **Baumann** While John Spears and Bryceton are working on getting the Elevator repaired... Was John able to get with you to coordinate about moving a desk from the admin bldg to the Lab/Maintenance... We got it transferred over

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/16/22 11:15 AM

Patrick Lewis I'm ready for your help over here Benjamin Waters there is cream ready to be crushed in the pit...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 12/16/22 9:42 AM

Sarah knows she is telling me...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 12/16/22 9:41 AM

No but I will find out and get it over here...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/16/22 9:40 AM

Robert **Baumann** While John Spears and Brycetown are working on getting the Elevator repaired... Was John able to get with you to coordinate about moving a desk from the admin bldg to the Lab/Maintenance office?

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/16/22 9:34 AM

Russell Tidaback This is picked labeled and wrapped and ready...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 12/16/22 9:13 AM

Robert **Baumann** Please let us know when you are producing material. Thanks guys!!!!

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/16/22 9:00 AM

Robert **Baumann** John Spears...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/16/22 9:00 AM

Robert **Baumann** John Spears Ensure you are viewing the Online Production Schedule each morning to know what we expecting to be produced that day...



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 5:01 PM

Russell Tidaback ok, so 1 assigned to SO-446 and 4 available, correct? Correct...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 4:55 PM

No we have 5 50lb AFC left...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/15/22 4:48 PM

Robert **Baumann** [image]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 3:49 PM

We are shutting down to get the top of the elevator fixed...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 10:23 AM

We did it's over half of product now we are working on the top of flour elevator once we fire back up we are going to figure out where it's coming from to end up back in that box...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/14/22 1:36 PM

Robert **Baumann** We have it Thanks Robert **Baumann** . Julie Ann Cureg and Sarah Giberti are working on the labels and shipping documents. [image]

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/14/22 1:08 PM

Robert **Baumann** Please verify on-hand inventory: [image] Sorry, this is for a different customer

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/14/22 1:00 PM

Russell Tidaback Robert **Baumann** Please verify on-hand inventory: [image] John Spears We have it

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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/14/22 12:49 PM

Robert **Baumann** Please verify on-hand inventory: [Image] John Spears

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/14/22 9:39 AM

Russell Tidaback [Image] Robert **Baumann** I've located 10 OGR 2000 lb Bulk bags , none specified for any order. Theoretically we need 30 more Bulk bags OGR to complete both 286A & 284B unless my math is off , 7 OGR bulk bags in quarry garage 3 located on mill production floor.

Mill Group Chat | You, Brian, Don, +8

SG Sarah Giberti 12/13/22 5:24 PM

Robert **Baumann** I want to thank everyone for jumping in and helping even you Patrick Lewis 🙏 You are very welcome Rob 🙏

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 5:22 PM

I want to thank everyone for jumping in and helping even you Patrick Lewis 🙏 ...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 4:48 PM

Test run good other than belt adjustments after we run a lil rock...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 1:42 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 1:39 PM

Russell Tidaback This quietness is scaring me! 🙏 Cuz we working 🙏 ...

Quarry Operations | You, Gwen, John, +2

Russell Tidaback (You) 12/12/22 10:06 PM

Hi Andrew Wasson This group chat is for the quarry operations. Once you get caught up to speed on things we will be reaching out to you for truck loads when the mill needs more material. John Spears Sarah Giberti Robert **Baumann**

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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/8/22 3:18 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-384 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/7/22 3:00 PM  
[Selected photo] [Selected photo] [Selected photo] SO-507 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/6/22 3:00 PM  
Robert Baumann Actually we have 48 Robert Baumann Julie Ann Cureg is working on the shipping documents, John Spears is working on the labels, According to the customer, this should ship out tomorrow. [image]

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 12/6/22 2:42 PM  
[Captured photo]

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 12/6/22 2:38 PM  
Russell Tidaback What is the Shippers name? It was the container place out of Kansas City she stated she was arranging a truck for the 8th...

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 12/6/22 2:34 PM  
Shipper called to confirm picking up SO-384 on dec 8th it's ready to go with paperwork and seal...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 2:29 PM  
[Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 2:10 PM  
Julie Ann Cureg Hi everyone to the person that printed the paperwork for SO-452, I just added the shipping label to its folder. This order will be picked up today. Thank you, John is going to get in touch the truck is here waiting...



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/6/22 1:57 PM

Julie Ann Cureg Hi everyone for the person that printed the paperwork for SO-452, I just added the shipping label to its folder. This order will be picked up today. Thank you, John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/6/22 1:37 PM

Russell Tidaback Robert **Baumann** Can you please confirm these are there... Actually we have 48

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/6/22 1:12 PM

Russell Tidaback Robert **Baumann** Can you please confirm these are there... Will do

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/6/22 1:08 PM

Robert **Baumann** Can you please confirm these are there...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/6/22 12:35 PM

[Selected photo] [Selected photo] SO-391 Julie Ann Cureg...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 12/5/22 6:57 PM

It will absolutely help not losing all that air pressure all the time . Thanks...


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 You and John

 **John Spears** 12/1/22 12:12 PM

Robert **Baumann** Yes a city worker just stopped at the road and said he caught an odor of gas. I told him they were looking into it He smelled the gas that remained in the pipe after we shut off the main valve. We disassembled the pipe to apply new pipe dope and Teflon tape. No bubbles after reassembled.

 You and John

 **Robert Baumann** 12/1/22 11:57 AM

Yes a city worker just stopped at the road and said he caught an odor of gas. I told him they were looking into it...



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Mill Group Chat | You, Brian, Don, +8



Julie Ann Cureg 11/29/22 4:49 PM

Robert **Baumann** Do we have a shipping date for the order from yesterday SO-391 Not yet but customers said that their freight forwarder will contact us to set up for pick up.

Mill Group Chat | You, Brian, Don, +8



Sarah Gilbert 11/29/22 4:45 PM

Robert **Baumann** Do we have a shipping date for the order from yesterday SO-391 Also need the paperwork for this please.

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/29/22 4:45 PM

Julie Ann Cureg Thanks Do we have a shipping date for the order from yesterday SO-391...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/29/22 4:41 PM

Julie Ann Cureg Robert **Baumann** is this ready for pick up? Yes it's ready to go

Mill Group Chat | You, Brian, Don, +8



Julie Ann Cureg 11/29/22 4:40 PM

Robert **Baumann** Yes 2 pallets 42 afr-100# 5 dgr -100# 6 afr 50# Robert **Baumann** is this ready for pick up?

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/29/22 4:02 PM

Russell Tidaback Julie Ann Cureg FYI, SO-503\* has pallet and weight changes. Wait for Robert **Baumann** response on the number of pallets question above before completing the shipping paperwork, Yes 2 pallets 42 afr-100# 5 dgr -100# 6 afr 50#

Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/29/22 3:57 PM

Julie Ann Cureg FYI, SO-503\* has pallet and weight changes. Wait for Robert **Baumann** response on the number of pallets question above before completing the shipping paperwork.

Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/29/22 3:56 PM

I updated the On-hand Inventory as well. Robert **Baumann** John Spears

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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/29/22 3:50 PM

Russell Tidaback Okay. Send the 6 bags of AFR 50# instead. I'll notify the Customer. Robert **Baumann** This Order, SO-503 should fit on two 40x48 pallets then, correct?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 3:29 PM

[Selected photo]

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 3:29 PM

Robert **Baumann** Ok we will get this picked this afternoon Russell Tidaback when we went to stack these 50 afr they are mislabeled they are AFC we only have 6 bags of afr 50 pounders

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 11/29/22 2:52 PM

Robert **Baumann** hole is patched on waste bin! [<https://us-api.asm.skype.com/v1/objects/0-cus-d1-d5405caa28d5451c06312606605ff949/views/imgo>]

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 1:45 PM

Russell Tidaback Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags... Ok we will get this picked this afternoon

Mill Group Chat | You, Brian, Don, +8

SG Sarah Giberti 11/29/22 1:34 PM

...Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags on one pallet, 32 (8-high) 100# bags on one pallet, and 15 (4-high) 100# bags .....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/29/22 1:20 PM

Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory....

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Mill Group Chat You, Brian, Don. +8

Robert **Baumann** 11/29/22 3:29 PM  
[Selected photo]

Mill Group Chat You, Brian, Don. +8

Robert **Baumann** 11/29/22 3:29 PM  
Robert **Baumann** Ok we will get this picked this afternoon Russell Tidaback when we went to stack these 50 afr they are mislabeled they are AFC we only have 6 bags of afr 50 pounders

Mill Group Chat You, Brian, Don. +8

Benjamin Waters 11/29/22 2:52 PM  
Robert **Baumann** hole is patched on waste bin! (<https://us-apl.asm.skype.com/v1/objects/0-cus-d1-d5405caa28d5451c06312606605ff949/views/img0>)

Mill Group Chat You, Brian, Don. +8

Robert **Baumann** 11/29/22 1:45 PM  
Russell Tidaback Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags... OK we will get this picked this afternoon

Mill Group Chat You, Brian, Don. +8

Sarah Giberti 11/29/22 1:34 PM  
...Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags on one pallet, 32 (8-high) 100# bags on one pallet, and 15 (4-high) 100# bags .....

Mill Group Chat You, Brian, Don. +8

Russell Tidaback (You) 11/29/22 1:20 PM  
Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory....

ATMO- Mill Mgmt You, Don, John. +2

Robert **Baumann** 11/29/22 10:59 AM  
I Will ask the guys thank you so much...



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ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 11/29/22 10:44 AM

Hi Robert **Baumann** I noticed some guys on your team were short 40 hours for this pay period (Nov 13th - 26th). Could you ask them if any would like to use available PTO to meet that 40 hours?...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 10:40 AM

Russell Tidaback Robert **Baumann** ref. SO-391 - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from Inventory [image] SO-391 is picked and ready

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 7:09 PM

Robert **Baumann** ref. SO-391 - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from Inventory [image]

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 11/28/22 5:34 PM

Hi Robert **Baumann** thanks for getting those numbers....

Mill Group Chat | You, Brian, Don, +8

JS John Spears 11/28/22 2:50 PM

Fantastic Robert **Baumann** thank you!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/28/22 2:48 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-297. Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 1:52 PM

Robert **Baumann** On hand quantities are now correct Russell Tidaback Thanks Rob

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/28/22 1:11 PM

Benjamin Waters Robert **Baumann** finish elevator access door is properly sealed now, [image] Thanks Benjamin Waters

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Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 11/28/22 1:10 PM  
Robert **Baumann** finish elevator access door is properly sealed now...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/28/22 12:46 PM  
Russell Tidaback Robert **Baumann** Please look at the Daily Production Spreadsheet and let me know what number discrepancies we have in comparison Customers are looking to get anything we have available. John Spears On hand quantities are now correct Russell Tidaback

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 12:34 PM  
Robert **Baumann** John Spears SO-297 (RTN-22063) is being picked up today. Shipper Name: Texas International Ref#: (if available) Truck: 1907112 / Trailer: 17455

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 11:49 AM  
Robert **Baumann** Please look at the Daily Production Spreadsheet and let me know what number discrepancies we have in comparison Customers are looking to get anything we have available. John Spears

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/23/22 12:49 PM  
Russell Tidaback Robert **Baumann** Benjamin Waters Did we complete SO-297 yesterday? part of the 14523 discussion yesterday morning w/ Sarah about labeling. Yes it is done 21 pallets of ogr

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/23/22 12:33 PM  
Russell Tidaback Robert **Baumann** Benjamin Waters Did we complete SO-297 yesterday? part of the 14523 discussion yesterday morning w/ Sarah about labeling.

Mill Group Chat | You, Brian, Don, +8

John Spears 11/23/22 9:59 AM  
Russell Tidaback John Spears Robert **Baumann** Benjamin Waters I'd like have a 9am meeting tomorrow to go over the inventory spreadsheet. This way you can get the projects started for the guys and then attend the meeting. I need to make sure we are all tracking this the same. Ben and Rob are here my office.

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Russell Tidaback (You) 11/22/22 5:30 PM

John Spears Robert **Baumann** Benjamin Waters I'd like have a 9am meeting tomorrow to go over the inventory spreadsheet. This way you can get the projects started for the guys and then attend the meeting. I need to make sure we are all tracking this the same.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 5:22 PM

Robert **Baumann** Benjamin Waters Customer has changed to the C-45 bag. Please put this together so hopefully we can get it shipped out tomorrow. [image]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/22/22 5:14 PM

We have 220 for so-292 that have been here awhile...

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**Robert Baumann** 11/22/22 3:12 PM  
[Selected photo] [Selected photo] [Selected photo] SO-481...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/22/22 2:38 PM  
[Selected photo] Pallets arrived and looked good...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/22/22 11:34 AM  
Russell Tidaback **Robert Baumann** Sarah Giberti Did we get this completed? Yes it got completed

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/22/22 11:33 AM  
Bullfrog brought 40 yesterday and said he was bringing another 40 Monday and Pat is organizing the warehouse to accommodate the 250 for today's delivery...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 11:31 AM  
...**Robert Baumann** Sarah Giberti Did we get this completed?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 11:29 AM  
...John Spears **Robert Baumann** Sarah Giberti I tried emailing and calling Charles from Bullfrog Pallets with no response. As such, I ordered 250 Pallets from Triple R Recycling yesterday and they are to be delivered today. Be expecting two different pallet deliveries.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 8:44 AM  
John Spears **Robert Baumann** 250 40x48 pallets are to be delivered today (9am-3pm). Please ensure none are broken/useless and 250 are there. Thanks!

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**Robert Baumann** 11/21/22 4:37 PM  
[Selected photo] [Selected photo] SO - 370 Julie Ann Cureg...



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Robert Baumann 11/21/22 3:17 PM

Russell Tidaback Please look at the on-hand tab of the daily production 2022 spreadsheet and let me know the accurate discrepancies. I will look at it first thing tomorrow we are patching holes and working on the 4th at the moment...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/21/22 2:27 PM

Russell Tidaback no pc at all we have 1 c-45...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/21/22 2:15 PM

I'm moving some pallets to be sure...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/21/22 2:14 PM

Russell Tidaback ? Inventory must be off then. It shows 1 100# of PC. How about 50# bags of PC? I'm not seeing any pc at all is that what ben would have counted...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/21/22 2:11 PM

Russell Tidaback Robert Baumann Jim Hoover Please put this together as we need to try to get FEDEX to pick it up ASAP (since we have the holidays coming the end of the week) Julie Ann Cureg Sarah Giberti Russell Tidaback we don't have any PC100 in stock

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/21/22 1:44 PM

Robert Baumann Jim Hoover Please put this together as we need to try to get FEDEX to pick it up ASAP (since we have the holidays coming the end of the week) [image] Julie Ann Cureg Sarah Giberti

Mill Group Chat | You, Brian, Don, +8

John Spears 11/18/22 11:49 AM

Jim Hoover Benjamin Waters Patrick Lewis RJ Williams Robert Baumann. I'll be in the lab running Cilas samples.



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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 11/18/22 10:22 AM

Russell Tidaback Tricky one for you guys... Happy Friday. Get 420 labels from Sarah for SO-297 Locate the 80 100# bags labeled SO-329. Remove the 80 SO-329 Replace labels with SO-297 Locate 340 100# bags in inventory... 40by 48 pallets correct??

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Patrick Lewis 11/17/22 5:23 PM

Robert **Baumann** I just left can you confirm for me Patrick Lewis Checking now sir



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 5:16 PM

Russell Tidaback If so, we have an order needing to be put together tomorrow AM but I want to confirm before we notify UPS. I just left can you confirm for me Patrick Lewis...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/17/22 5:05 PM

Robert **Baumann** Please confirm, to inventory on: [image] We have on-hand? [image]



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/17/22 3:47 PM

Robert **Baumann** on the Daily Production 2022 spreadsheet, I added the 300 OGR bags to inventory on today's date. Just FYI.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 3:45 PM

Russell Tidaback Benjamin WatersRobert **Baumann** Was SO-384 completed? [image] [image] Julie Ann Cureg Yes it is ready to go



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/17/22 3:34 PM

Benjamin Waters Sarah Giberti I also need an additional 32 labels for SO-384 OGR, please and thanks Benjamin WatersRobert **Baumann** Was SO-384 completed? [image] [image] Julie Ann Cureg



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 3:33 PM

Julie Ann Cureg...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 3:33 PM

[Selected photo] [Selected photo] SO-463...

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Robert **Baumann** 11/17/22 3:22 PM

Russell Tidaback Robert **Baumann**... okay... so it appears that SO-268 was a double production or at least double labelled. SO-268 shipped out on 11/10/22. Please unwrap these and remove the labels. Let me know when done... Ok we will start getting these untagged



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 3:21 PM

Russell Tidaback Robert **Baumann**... okay... so it appears that SO-268 was a double production or at least double labelled. SO-268 shipped out on 11/10/22. Please unwrap these and remove the labels. Let me know when done... We do have 11 pallets of so-292 oqr for reptec



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/17/22 3:18 PM

Robert **Baumann**... okay... so it appears that SO-268 was a double production or at least double labelled...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 3:04 PM

[Captured photo] Russell Tidaback...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/17/22 2:59 PM

We have 300 /15 pallets of oqr for maverick abrasive order 14475. No dgr has been ran for maverick Russell Tidaback...



Mill Group Chat | You, Brian, Don, +8



Sarah Giberti 11/17/22 1:28 PM

SO-370 is going to be picked up this afternoon by Fedex freight. Robert **Baumann**



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/16/22 4:04 PM

John Spears 🤔 Order is fully ready to go now...



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Robert **Baumann** 11/16/22 1:59 PM

Yes ma'am...

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Robert **Baumann** 11/16/22 1:49 PM  
[Selected photo] SO -481 Sarah Giberti...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/16/22 12:56 PM  
Russell Tidaback It is an international order so it will need to be weighed when complete together and it probably wont be picked up today. The tags read AFC but the order has DGC which ones do we need...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/16/22 12:33 PM  
Robert **Baumann** Getting labels made now just waiting on shipping paperwork to be loaded Julie Ann Cureg Please work on the SO-481 shipping documents. 🙄

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/16/22 12:32 PM  
Russell Tidaback Robert **Baumann** can we get this put together and ready for shipment today? Sarah Giberti Julie Ann Cureg 🚚 Getting labels made now just waiting on shipping paperwork to be loaded

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/16/22 12:25 PM  
Robert **Baumann** can we get this put together and ready for shipment today? Sarah Giberti Julie Ann Cureg [image]

Russell Tidaback (You)

Robert **Baumann** 11/15/22 7:14 PM  
Probably Justin between the two...

Russell Tidaback (You)

Robert **Baumann** 11/15/22 5:46 PM  
Yes some days I would need to leave at 4 tho...

Robert **Baumann**

Russell Tidaback (You) 11/15/22 5:40 PM  
Robert **Baumann** between you I and John... Are you able to work days on a regular schedule?



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RB Robert **Baumann** 11/15/22 4:22 PM  
Paperwork is in hand now...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/15/22 4:20 PM  
Does 423 go with this truck also...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/15/22 4:19 PM  
Thanks Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/15/22 4:18 PM  
Picking 464 now going to get paperwork for both...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/15/22 4:03 PM  
Benjamin Waters Sarah Giberti I need paperwork for so463 so 464 Is that what xpo needs...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/15/22 3:54 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/15/22 1:34 PM  
Yes we have paperwork for 476 and 456 ready to go over here...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 11/14/22 11:59 AM  
John Spears Robert **Baumann** We have no fall protection. FYI, need it to work on top of the tube mill.

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American Tripoli - Administration > Mill - Plant - Group



Russell Tidaback (You) 11/13/22 5:49 AM

...We will change the 2nd shift schedule, Robert **Baumann** let us know when your team would like to start this schedule....



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 11/11/22 4:35 PM

I couldn't get enough people was wanting to run 8...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 11/11/22 12:02 PM

Robert **Baumann** Are you wanting to run a Sunday 8 or 10 hr shift?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/10/22 11:02 PM

Ok it's kicking off after a couple minutes of running going to keep trying...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/10/22 10:58 PM

Good to hear, Thanks Jim Hoover and Robert **Baumann**



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/10/22 10:56 PM

After shutting everything down and restarting twice got it going again. Must have been one of the resets in the green box. Thank you Jim Hoover...



You and John



Robert **Baumann** 11/10/22 10:23 PM

Answer your phone...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/10/22 9:37 PM

Russell Tidaback Yes, thanks John Spears I'm having a time trying to get the rock to come out now will it take a bit or should I be doing something different...

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Robert **Baumann** 11/10/22 9:19 PM  
Me too thank you again...

Mill Group Chat | You, Brian, Don, +8

John Spears 11/10/22 9:18 PM  
Robert **Baumann** Getting it tighten up now to get adjusted thank you so much John Spears Glad I was close.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 9:17 PM  
Jim Hoover give me a call sir...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 9:16 PM  
Russell Tidaback Jim said we do. Please call him Ok I'm feeling confident on the adjustments and trying to get the extra rock ran through now to start back up...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 8:19 PM  
Getting it tighten up now to get adjusted thank you so much John Spears...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/10/22 8:10 PM  
Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 7:05 PM  
John Spears Jim Hoover Terry Barlow we are down the fluid bed dryer lost the belt...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/9/22 11:58 PM  
Yep something is up with it. I don't know what but it's not functioning correctly...

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RB Robert Baumann 11/9/22 11:08 PM

John Spears Jim Hoover something is going wrong with the flour elevator again just started making noise. Shutting down to see...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/9/22 5:38 PM

Just make sure Robert Baumann is made aware of the other bags that complete the order.

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 11/9/22 9:03 AM

Robert Baumann...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/8/22 11:25 PM

Well you know how I love computer's 🤖. We will get it figured out and get going on it...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/8/22 11:20 PM

John and I both tried this evening and couldn't get in...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/8/22 11:17 PM

Yes still a lot of air leaks to be fixed but in general it's running better.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/8/22 11:11 PM

The socks are still puffing to quickly in my opinion but are going down better than before...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/8/22 11:04 PM

Basically everything...





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 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 11/8/22 11:04 PM


It's still not as good as I feel it should be but I'm thinking cleaning out those exhaust pipes to big Mac and clearing lines sure helping and yes sealing filters and the door alot better helping too...

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 11/8/22 11:00 PM


Tbh I was too a little 😊. We should end up a little over 30,000 tonight. System running better for sure if it's running I want to get after it...

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 11/8/22 10:55 PM

Thinking about 1 to 9 or 2 to 10 I know Rj will come in. It would go on this pay period correct?

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 11/8/22 10:51 PM


No I was just counting pallets we are running decent. Gunna stay hooked til 11 to clean out system. We are going to start 10 hr shifts next week also if it's still alright and I would like to run Sunday also if it's ok as long as everything stays running decent the rest of the week...

 ATMO - Mill Mgmt | You, Don, John, +2

 **Robert Baumann** 11/8/22 10:46 PM


When I put my production numbers in they may seem off but will come in a little early tomorrow to get things straightened out. I'm concerned we may have doubled up on SO-268 trying to get it figured out and fixed tomorrow but have plenty of orders for 100 ogr so we will be good either way sorry...

 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 11/8/22 9:21 PM

John Spears That motor is a little tricky. Ben was telling me that you have to use a feeler gage to adjust the brake. I'll have to study on it. Yeah it won't even run to be able to adjust the break...

 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 11/8/22 9:15 PM

John Spears I have planned to get to Lowe's but I keep getting interrupted by visitors. I'll have some in the morning. The new maintenance guys and myself will have to read up on the palletizer. We'll do our best... Thanks I've been trying to at least get it to raise so we can wrap pallets but no luck everything else is...

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Mill Group Chat You, Brian, Don, +8

Robert Baumann 11/8/22 9:02 PM

[Selected photo] Also John Spears if you can get maintenance and you to check the palletizer motor out it smells burnt and getting juice to it but won't even try to raise the platform...

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**Robert Baumann** 11/8/22 9:00 PM

[Selected photo] John Spears did you by chance grab some insulation yet we need some for some doors that are dusting...

Robert Baumann

Russell Tidaback (You) 11/7/22 10:19 AM

Good Morning Robert **Baumann**...

Russell Tidaback (You)

**Robert Baumann** 11/5/22 1:51 PM

I will find out for sure Monday and let you know.

Russell Tidaback (You)

**Robert Baumann** 11/5/22 1:40 PM

I got em wrote down and gunna put it in Monday I gotta see what time Pat and laundry left Friday to get everyone's correct. He was a great help and really interated with him about getting this product getting through the system worked out so we can get pounds up, It has been frustrating for everyone when we feel like we...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/5/22 1:31 PM

Russell Tidaback Thanks Robert **Baumann** Hopefully this time around the silicone will create the seal needed. John Spears Thanks for bringing Jim Hoover back to help we all felt very confident that it was done correctly and using the better silicone should help greatly

Mill Group Chat | You, Brian, Don, +8

John Spears 11/5/22 1:26 PM

You bet. Thanks Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/5/22 1:25 PM

Thanks Robert **Baumann** Hopefully this time around the silicone will create the seal needed.

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/4/22 10:46 PM

Filters all back in built a new gasket for door gunna dig out flour elevator for a good start up Monday. Letting the silicone dry so won't try to start up with two of us here.

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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/4/22 7:11 PM  
Yes earlier...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 11/4/22 6:49 PM  
Robert **Baumann** Did Terry call you?

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/4/22 4:43 PM  
[Selected photo] Here is his phone number he called in sick today...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 11/4/22 4:03 PM  
Robert **Baumann** could you please help ensure Justin and Blake have Teams installed on their phones? We need to chat with Justin regarding him not be able to log into his new miner training. We can get you their log in credentials to sign on, if needed.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/3/22 10:16 PM  
Palletizer started throwing the motor overheated fault and smelled hot so it's shut off at the box John Spears Terry Newburn Jim Hoover...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/3/22 2:51 PM  
You bet I'm not sure who put their hours in that week but the rest is correct thanks...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/3/22 2:49 PM  
This is before they were added so they left with me at 1030...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 11/3/22 2:46 PM  
Hi Robert **Baumann** - did Justin and Blake work until midnight on the 19th? Wasn't sure if it was a typo since you and RJ only worked until 10:30pm.[image]



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 Russell Tidaback (You) 11/2/22 8:46 PM


Robert **Baumann** Well it took fifteen minutes to put it back together the last time and we are at a solid 4 hrs Good point. Do it right the first time so we don't have to waste hours redoing it the second time.

Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 11/2/22 8:44 PM


Patrick Lewis So is it working? Or do i need to come back in? Well it took fifteen minutes to put it back together the last time and we are at a solid 4 hrs...

Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 11/2/22 8:26 PM

Patrick Lewis I offered to as much assistance as i could. Given it was achievable within my means. And wait we get to vote for stuff??? I wanna vote lol. I need your assistance to mill this shaft down Pat this deal is no bueno. I have the patience but losing real fast...

Mill Group Chat | You, Brian, Don, +8

 Landry Barnes 11/2/22 2:04 PM


Robert **Baumann** Awesome see if someone can get a pic of the end of the tube mill it looked like a couple of big rocks were impeding the flow Patrick Lewis you know what I'm talking about when you take the little door... I can try to get a look or picture down it.

Mill Group Chat | You, Brian, Don, +8

 Patrick Lewis 11/2/22 2:00 PM


Robert **Baumann** Awesome see if someone can get a pic of the end of the tube mill it looked like a couple of big rocks were impeding the flow Patrick Lewis you know what I'm talking about when you take the little door... Yes I'll take a look at it

Mill Group Chat | You, Brian, Don, +8

 John Spears 11/2/22 1:56 PM

Robert **Baumann** we'll do that.

Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 11/2/22 1:55 PM

Awsome see if someone can get a pic of the end of the tube mill it looked like a couple of big rocks were impeding the flow Patrick Lewis you know what I'm talking about when you take the little door off.

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Mill Group Chat You, Brian, Don, +8

Robert **Baumann** 11/2/22 1:47 PM  
How's it looking John Spears...

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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/31/22 2:49 PM

John Spears Sarah Giberti Robert **Baumann** Yes, if you look at the production schedule for this week, it is jacked up but it will be addressed by tomorrow evening once we know if we are producing again or pushed back until a later date.

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 10/30/22 12:17 PM

John Spears, Robert **Baumann** Jim Hoover are we off tomorrow? Or working?

American Tripoli - Administration > Mill - Plant - Group

Russell Tidaback (You) 10/28/22 1:41 PM

Robert **Baumann** I think you are correct. Plus having the 2nd shift off on Friday evening would give maintenance time to do maintenance on any needed repairs before the next weeks production.

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/27/22 11:44 PM

[Selected photo] Ready to go...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/26/22 11:01 PM

Russell Tidaback Robert **Baumann** John Spears There should be a pallet of bags labelled as Osborn Germany, SO-335, 28 bags of DGC, These bags were produced on 9/14/22. Please note production date on bag and remove the... Unlabeled and ready to be in stock

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/26/22 10:15 PM

Patrick Lewis Rob. Check the beeakroom. Their was a caulking gun with a tube in it Got it thanks Patrick Lewis John Spears Russell Tidaback how long should I let it dry before I start up...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 10/26/22 9:39 PM

Robert **Baumann** We hadn't been I'm looking for silicone now. Rob. Check the beeakroom. Their was a caulking gun with a tube in it

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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 10/26/22 9:18 PM

Russell Tidaback You are siliconing them back in? Robert **Baumann** We hadn't been I'm looking for silicone now.



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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/26/22 9:03 PM

Russell Tidaback They need to o create the seal Do we have some to put back around the ones we put back in. I will go look...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 8:49 PM

Robert Baumann Found 1 with a hole and blew the rest out they were siliconed in removed over half of them putting it back together now You are siliconing them back in? Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/26/22 8:40 PM

[Selected photo] [Selected photo] Found 1 with a hole and blew the rest out they were siliconed in removed over half of them putting it back together now...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/26/22 6:02 PM

Will do we are pulling all filters out and inspecting them upstairs in cyclone now to find where product is going through...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 5:56 PM

Robert Baumann John Spears There should be a pallet of bags labelled as Osborn Germany, SO-335, 28 bags of DGC, These bags were produced on 9/14/22....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 5:30 PM

John Spears / TerryNewburn / Robert Baumann Please check the socks in the bag house. That should be the only way material is blowing out of the compressor exhaust. If the sock fell, or the clamp came loose... tripoli is getting around the sock.

Russell Tidaback (You)

RB Robert Baumann 10/26/22 4:55 PM

Going to get something done now...

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Russell Tidaback (You)



Robert Baumann · 10/26/22 4:46 PM

[Selected photo] What could be causing this so bad. Usually it barely spits anything out. Product ran better but still really slow last night and they have had multiple back ups today...

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/26/22 1:16 PM  
Thanks Russell Tidaback John Spears...

ATMO - Mill Mgmt | You, Don, John, +2

RS Russell Tidaback (You) 10/26/22 1:12 PM  
John Spears Robert **Baumann** Please advise Justin, if he wishes to get paid for today and not have to come in tonight (Since he is already up and at work this morning), he needs to check his AmericanTripoli email inbox and complete the MSHA online training courses...

Mill Group Chat | You, Brian, Don, +8

RS Russell Tidaback (You) 10/26/22 7:44 AM  
Robert **Baumann** Packer shaft came apart at lovejoy just put it back to finish order. Jim it's switched to dgr just need a sample when you start up Robert **Baumann** RJ WilliamsPatrick Lewis Landry Barnes Thanks guys!

Mill Group Chat | You, Brian, Don, +8

JS Jordan Tidaback 10/26/22 7:42 AM  
Thanks for getting these weights, Robert **Baumann**!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/26/22 2:33 AM  
[Selected photo] [Selected photo] Packer shaft came apart at lovejoy just put it back to finish order. Jim it's switched to dgr just need a sample when you start up...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 11:09 PM  
We were running good now it's like we are losing vacuum again out the cyclone heard some air leaking from the feeder tank as you call it upstairs. Getting going again...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 10/25/22 10:28 PM  
Robert **Baumann** how's everything running ?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 8:30 PM  
80 to 100 Russell Tidaback...

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 8:01 PM

Thank you Carson Allman Terry Newburn for staying hooked and getting us going. I appreciate it Jim Hoover thank you for getting the system running better so far...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 7:52 PM

Sarah Giberti You are welcome! Sorry I meant to mention that earlier. Also dr. Pepper Enjoy it tomorrow we locked out 🙄...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:32 PM

Patrick Lewis I can't stay the whole shift but I'll stay and help until about 8 or 9 Thanks Patrick...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 10:33 AM

Anyone wanting to work some OT tonight (4pm-midnight) to help get this order done with Robert **Baumann** on 2nd shift, OT is approved.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:47 AM

On top my battery went dead. Sorry...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:41 AM

Found the key btw...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:21 AM

Robert **Baumann** Guy's I am headed to the house we will get this figured out and get to producing good again soon. I have faith Robert **Baumann** I have faith in the team there as well... and we will get this flow problem resolved!

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:20 AM

Guy's I am headed to the house we will get this figured out and get to producing good again soon. I have faith

Exhibit P-13, Page 122



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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:19 AM

Jim Hoover Have good night everyone Have a good night Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 1:11 AM

I'm double checking doors and will feel again it's probably up there then...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:04 AM

Robert **Baumann** You know how it is... it will end up being some stupid mistake like a bag or something stuck in a pipe blocking the flow.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 1:03 AM

Russell Tidaback This chart is the closest thing we have to current machines flow... [File: Mill Flow Chart (1).pdf]  
Thank you I will study up on this and sorry I can't be of more help I want to run product...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:03 AM

Robert **Baumann**...Robert **Baumann**...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 1:01 AM

Been running about 15 mins with everything off...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 1:01 AM

[Selected photo]

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 1:01 AM

Jim Hoover can we make sure all levers are correct in morning and I can't find the tool to open the door on compressor but it's reading this now as I'm shutting off...

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:58 AM  
All possible pipes from elevator have product blocking them and dusting bad in scrolls up top...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 12:58 AM  
Robert **Baumann** It's like it's not sucking the dust or product to the green machine So flow backwards from the "green machine" whats the next machine in the flow? Is this machine getting material through it?

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:56 AM  
It's like it's not sucking the dust or product to the green machine...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:45 AM  
2 feet up from the bottom of elevator...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:45 AM  
[Selected photo]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:44 AM  
Well it can't be getting any vacuum this pipe is full up to patched parts...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:42 AM  
[Captured photo] This at the bottom of four elevator Jim Hoover it's solid about 8 ft up is this what's supposed to operate socks...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 12:39 AM  
The compressor hasn't kicked out any I'm going to see what the pressure does with everything not running in a few minutes...

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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 10/25/22 12:19 AM

Robert **Baumann** Quincy has been at 82 to 85 all night Robert **Baumann** Please take a pic of the contactor that you guys are resetting when the compressor stops.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:35 PM

Russell Tidaback John Spears let's get the compressor contactor replaced. I'll see what I can find and keep you informed. Quincy has been at 82 to 85 all night...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:28 PM

I wish it was something I was doing wrong 😞. It's frustrating...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:26 PM

Also we are ready for more rock in the morning he is crushing now it was full with rose...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:23 PM

Jim Hoover Make sure the pneumatic air lock on 4 floor is on also Been checking everything often through out the night to make sure...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:16 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] So all exhaust pipes from flour elevator to outside are full of product and cyclone still plugging up when you try to feed more than a minute at a time. Amps are reading 80 to a 100 and keeping temp above 260...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:05 PM

Got it sent them home early so they can be back...

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Mill Group Chat You, Brian, Don, +8



Russell Tidaback (You) 10/24/22 10:58 PM

IMPORTANT Reminder, mandatory new miners training tomorrow is for any employee that does not have a current MSHA pink card. Robert **Baumann** Please make sure your guys are there. John Spears Make sure all needing the training are present tomorrow. This includes Jessie Hodge and @Catlyn.



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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 10/24/22 10:30 PM

Ok the rework is half rose half cream and IDK what happened on the so-379 because it should be not complete on line 45 also unless we moved some to complete...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/24/22 2:17 PM

Robert **Baumann** Thanks brother... my connection here is slow today so my responses are delayed.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/24/22 2:10 PM

[Selected photo] Russell Tidaback...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 10/23/22 10:07 PM

Jordan Tidaback Hi Robert **Baumann**, did you mention we have SO-416 finished? It should be 10 bags of DGR on 1 48x40 pallet. I mistakenly sent them OGR and had to have it returned to replace with DGR. Just want to make... Yes it is complete just needs wrapped

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 10/23/22 10:06 PM

Hi Robert **Baumann**, did you mention we have SO-416 finished? It should be 10 bags of DGR on 1 48x40 pallet. I mistakenly sent them OGR and had to have it returned to replace with DGR. Just want to make sure before I reach out to them.

Mill Group Chat | You, Brian, Don, +8

Jim Hoover 10/22/22 11:07 PM

...Robert **Baumann** Hey did you start pulling out of the little tank last night or were you still pulling out of the big rose tank and how much did you guys end up running last night

ATMO - Company Wide group chat | You, Brian, Don, +4

Robert **Baumann** 10/22/22 12:34 AM

I will pass the information along...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/21/22 11:50 PM

Having Rj getting the rock brought up now and will have everything ready...

Exhibit P-13, Page 127

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/21/22 11:23 PM

Slow system has backed up a few times just working thru it. Keeping temp way up but still slow just stopped feeding it to go around and try to get all out of system.



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 10/21/22 11:19 PM

Robert **Baumann** Everything running good tonight?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/21/22 7:47 PM

Yes Benjamin Waters not an issue I just don't want to short your hours as I will be putting them in for awhile so if anyone is late or leaves early just lmk please...



American Tripoli - Administration > Mill - Plant - Group



Robert **Baumann** 10/20/22 6:39 PM

Might be beneficial to have 2nd shift start back up Wednesday evening, less system downtime and as far as a prep person I feel we have time within the regular shift to gather supplies...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/19/22 9:59 PM

Getting it out little by little gunna run it in a bulk bag right up to 1030...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/19/22 9:42 PM

Negative sir negative 🙄...



Russell Tidaback (You)



Robert **Baumann** 10/19/22 7:06 PM

Can you come to top of flour elevator...



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 10/19/22 3:30 PM

R& R transport is here for a pick up he has no numbers...

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/18/22 9:43 PM  
[Selected photo] [Selected photo] [Selected photo] The switches wouldn't shut these off so turned of at boxes.  
Also burner keeps going out for dryer so they are getting someone to look at it tomorrow. Terry Newburn Jessie  
Hodge Jim Hoover...

Russell Tidaback (You)

Robert **Baumann** 10/18/22 11:26 AM  
2:30...

Russell Tidaback (You)

Robert **Baumann** 10/18/22 11:22 AM  
Yes...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/18/22 12:45 AM  
[Selected photo] [Selected photo]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/18/22 12:44 AM  
John Spears Jessie Hodge Terry Newburn the green monster scroll is not working again noticed about 11 Jim  
Hoover Carson Allman...

Russell Tidaback (You)

Robert **Baumann** 10/17/22 8:02 PM  
Just wanted to get a little more familiar with it. And make them slowly explain things. We figured we could get  
more ran stacking and we have to weigh an order also...

Russell Tidaback (You)

Robert **Baumann** 10/17/22 7:59 PM  
They did but we decided to hand stack for tonight cuz they are only 5 high we will use it tomorrow night...

Russell Tidaback (You)

Robert **Baumann** 10/17/22 7:57 PM  
Yes they are we are hand stacking but adjusting our hours to lap day shift to learn the palletizer and then come  
in for training Thursday day...

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Russell Tidaback (You)

Robert Baumann 10/17/22 7:55 PM

Why didn't I ask you about this last week 🤔, It makes sense now Jim was wrong on this one...

Russell Tidaback (You)

Robert Baumann 10/17/22 7:51 PM

Yea we are just barely above 50 it's doing a lot better but the bags are still taking longer than usual to go down...

Russell Tidaback (You)

Robert Baumann 10/17/22 7:48 PM

I'm just hoping to get the 30000 done it's a lot better but still not like it should be in my opinion...

Russell Tidaback (You)

Robert Baumann 10/17/22 7:46 PM

Ok 🙌 will do...

Russell Tidaback (You)

Robert Baumann 10/17/22 7:30 PM

SO-269 ogr...

American Tripoli - Administration > Mill - Plant - Group

Russell Tidaback (You) 10/17/22 7:27 PM

Shift 10-hr production schedule discu... - ...Jim Hoover Patrick Lewis Landry Barnes Benjamin Waters RJ Williams Carson Allman Jessie Hodge Terry Newburn Robert Baumann John Spears Jordan Tidaback

Robert Baumann

Russell Tidaback (You) 10/17/22 7:25 PM

Whats up Robert Baumann, What are you guys running tonight?

Mill Group Chat You, Brian, Don, +8

Russell Tidaback (You) 10/17/22 12:39 PM


As a reminder, John Spears Jim Hoover Robert Baumann, when the production team completes an order to post in the group that order SO-xxx is complete. This lets the entire team know and triggers other team members to complete their part of the process.


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 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 10/15/22 12:25 AM  
That's good Robert **Baumann**.


 ATMO - Mill Mgmt | You, Don, John, +2

 **RB** Robert **Baumann** 10/15/22 12:25 AM  
I've let it run for 2 hrs and hopefully got the system cleaned out good to I will run it till 1145. And the compressor kicked out a few times I opened the door and put a fan on those resets seemed to help idk.


 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 10/15/22 12:13 AM  
Robert **Baumann** set John up for success and get thr tube turned right with the door up and the chute setup. That way he and hopefully the guys are taking all day Sunday to get things done.


 ATMO - Mill Mgmt | You, Don, John, +2

 **RB** Robert **Baumann** 10/15/22 12:01 AM  
Now I know I should have described it earlier I was going by what John and Jim were telling me. Dang it...


 ATMO - Mill Mgmt | You, Don, John, +2

 **RB** Robert **Baumann** 10/14/22 11:54 PM  
Will do trying to get this stuff through the system now. Sorry I'm learning this stuff the best I can...


 ATMO - Mill Mgmt | You, Don, John, +2

 **RB** Robert **Baumann** 10/14/22 11:51 PM  
50...

 ATMO - Mill Mgmt | You, Don, John, +2

 **RB** Robert **Baumann** 10/14/22 11:49 PM  
Yes usually 100 to 120. The on in office was low and Jim said it was messed up he thought. We put rock in during down time but it was the small square...

 ATMO - Mill Mgmt | You, Don, John, +2

 **RB** Robert **Baumann** 10/14/22 11:47 PM  
Gauge in basement is at around 80...



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 10/14/22 11:37 PM

Yes set up for AF getting a little more product than usual in the return scroll from classifier also...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 10/14/22 11:31 PM

Yes everything appears to be doing what it's supposed to but the classifier is dusting a lil more than usual...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 10/14/22 11:28 PM

Yes sir...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 10/14/22 11:26 PM

There has got to be a problem somewhere in the system. I can't feed rock for more than a couple minutes at a time then takes thirty minutes to get the bags down I've walked over and over everything is running.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/14/22 6:40 PM

Jordan Tidaback Jim Hoover Did we get samples to run the Cilas reports today? I pulled a c-15 last night and just pulled the AFC for today...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/14/22 10:57 AM

Fyi order SO285 B is now in the garage bulk bag order. Ty 😊

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/14/22 1:05 AM

The compressor kicked out twice about 11 reset the first time couldn't get it to reset the second time John Spears Terry Newburn Carson Allman...

Russell Tidaback (You)

RB Robert Baumann 10/13/22 10:51 PM

Can you add a 75 pound option for my daily production too plz...

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Russell Tidaback (You)



Robert Baumann 10/13/22 9:55 PM

Idk we are running SO-336 they had two bags when we got here, I don't think they ran anything else today...



Russell Tidaback (You)



Robert Baumann 10/13/22 9:21 PM

I was planning on running til 9:30 before I clean out so we should have a few extra but I'm leaving it set up for c-15...



Russell Tidaback (You)



Robert Baumann 10/13/22 9:19 PM

The tags John gave me say Reptic for 28 bags...



Russell Tidaback (You)



Robert Baumann 10/13/22 9:16 PM

Temperature is a lot more consistent btw 🙌 ...



Russell Tidaback (You)



Robert Baumann 10/13/22 9:15 PM

Yes we are running the C-15. So it's a slow go we should finish up in an about an hour or so and gunna move some orders to the shop. Terry got the forklift training first part so getting these guys training on driving them...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 10/13/22 12:54 AM

Thanks Robert Baumann Have a good night.



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 10/13/22 12:54 AM

Found and labeled will move tomorrow...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 10/13/22 12:18 AM

I will go and relabel these to verify on hand quantity now...


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 ATMO - Mill Mgmt | You, Don, John, +2


 Russell Tidaback (You) 10/13/22 12:12 AM


Robert **Baumann** SO-285B... 7 last night, 7 tonight is 14. We have 12 on-hand/stock. Lets mark 6 from on-hand/stock as SO-285B and complete SO-285B.

 ATMO - Mill Mgmt | You, Don, John, +2


 RB Robert **Baumann** 10/12/22 11:44 PM


Thanks Terry Newburn and Carson for trying to get us going tonight...

 ATMO - Mill Mgmt | You, Don, John, +2


 Russell Tidaback (You) 10/12/22 11:42 PM

Thanks Robert **Baumann** Terry Newburn This little stuff is killing us!!!

 ATMO - Mill Mgmt | You, Don, John, +2


 RB Robert **Baumann** 10/12/22 11:39 PM


[Selected photo] [Selected photo] The compression nut was cracked on the burner feed tube. Will have to get a compression fitting in the morning before start up. The gas is off at both shut offs John Spears...

 Russell Tidaback (You)


 RB Robert **Baumann** 10/12/22 11:24 PM


Terry...

 Russell Tidaback (You)


 RB Robert **Baumann** 10/12/22 11:22 PM


[Selected photo] [Selected photo]

 Russell Tidaback (You)

 RB Robert **Baumann** 10/12/22 11:22 PM

We are getting as much ready as possible...

 Russell Tidaback (You)

 RB Robert **Baumann** 10/12/22 11:22 PM

They got here about 915 but going to have to get some compression fittings in the morning the nut was cracked...



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Russell Tidaback (You)



Robert Baumann 10/12/22 10:32 PM

No problem stuff happens I got the burner off and shut the gas off. I tightened it but it's still leaking it's better tho. But it leaking any by the burner is dangerous...



Russell Tidaback (You)



Robert Baumann 10/12/22 10:27 PM

No body yet I'm gunna have the guys finish cleaning up and let them go at 11 it's gunna be to late to start back up running product pretty soon...



Russell Tidaback (You)



Robert Baumann 10/12/22 10:09 PM

Haven't seen anyone yet we are on 3rd floor sweeping let me go see...



Russell Tidaback (You)



Robert Baumann 10/12/22 9:33 PM

Yes they did and seem pretty decent have had them learning bulk bags and putting rework back in...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 10/12/22 8:50 PM

[Selected photo] [Selected photo] John Spears call me please...



Russell Tidaback (You)



Robert Baumann 10/12/22 8:45 PM

Yes will do...



Russell Tidaback (You)



Robert Baumann 10/12/22 8:42 PM

[Selected photo] [Selected photo] Found a pretty decent leak. I am producing but extremely slowly I am fixing to let it clean out and see if I can tighten this...



Russell Tidaback (You)



Robert Baumann 10/12/22 8:30 PM

[Selected photo] [Selected photo] Doesn't have any fans didn't feel hot but I left it open with the ac...

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/12/22 7:47 PM  
[Selected photo] [Selected photo] [Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/12/22 7:26 PM  
Robert **Baumann** Please take a pic of the digital panel on the burner (between the tube mill and the burner)

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/11/22 11:23 PM  
Thanks Jessie Hodge & Robert **Baumann**

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/11/22 11:21 PM  
I'm cleaning the system out now had some cold product hung up...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/11/22 11:21 PM  
[Selected photo] [Selected photo] This could be part of the problem and when the gas valve got changed there might be something in the line that's causing it. Maintenance is going to further check it out tomorrow...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/11/22 11:11 PM  
Jessie...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/11/22 10:56 PM  
We are working on it trying to figure out why the temp is not where it should be. Could there be something restricting the gas flow in line and there is a lot of insulation missing from the dryer also...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/11/22 10:44 PM  
Robert **Baumann** status update?

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**Robert Baumann** 10/11/22 9:10 PM

It was on idle once and the second time luckily I caught it the product temp got to 155 I'm checking everything out I know to check...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/11/22 8:59 PM

The end of the tube mill which hints the rock is to cold but the temp is reading 180 but the burner kicked off twice now and was hard to restart and it never temped out to cause it to go out...

ATMO - Mill Mgmt | You, Don, John, +2

**John Spears** 10/11/22 8:57 PM

**Robert Baumann** where is that dust coming from?

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/11/22 8:55 PM

I've stopped running so I won't plug the tube mill...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/11/22 8:54 PM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/11/22 8:54 PM

Something is going on with the burner and the rock temp I can't get it lined out I've called Jim and there is something for sure wrong somewhere but he wasn't sure what it could be...

ATMO - Mill Mgmt | You, Don, John, +2

**Russell Tidaback (You)** 10/11/22 8:12 PM

**Robert Baumann** John Spears Jordan Tidaback On the Daily Production spreadsheet, regarding excess over-runs/Inventory/etc.....

ATMO - Mill Mgmt | You, Don, John, +2

**Russell Tidaback (You)** 10/11/22 7:15 PM

**Robert Baumann** just an FYI... John has hired on two people (John Campbell & Blake Leaf) to join your team. Both start tomorrow evening....

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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/11/22 5:59 PM  
[Selected photo]

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/11/22 5:59 PM  
Russell Tidaback why won't it let me put in DGC in the grade column...

ATMO - Operations | You, Don, Gwen, +4

Jordan Tidaback 10/11/22 9:55 AM  
Thank you very much, Robert **Baumann**!!

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 10/11/22 12:24 AM  
Thanks Robert **Baumann**

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/11/22 12:23 AM  
[Selected photo] Sarah Giberti Jordan Tidaback...

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 10/10/22 7:32 PM  
Robert **Baumann** I haven't learned that yet sorry. Robert B I can show you sometime this week if you like, it's pretty simple, I was trained a couple of weeks ago. I'll walk you through each step, I can't login to the computer but I'm certain your able to. Offers on the table.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/10/22 7:28 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] In my walk through I noticed that the bearing is still out on the scroll and the lil Mac is running on one belt Jessie Hodge John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/10/22 7:25 PM  
I haven't learned that yet sorry.



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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/10/22 6:57 PM

Jordan Tidaback John Spears one last thing and I'll leave you alone for the day 😊 You mentioned SO-438 was done. We shipped out 2 cream bulk bags for them on 5-OCT. The next part of this order is 15 OGR bulk bags. ... We have 2 extra DGC bulk bags...

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/10/22 6:55 PM

Robert Baumann You want the individual weight of each pallet on the tags ? We don't necessarily need it on the tags, unless you want to. We just need a list of each pallet's weight. Like this....[image]

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/10/22 6:52 PM

Jordan Tidaback Could you also have someone give Sarah the weights as soon as they are done being weighed? We have some paperwork that has to be filled out for shipping. Thank you 😊 You want the individual weight of each pallet on the tags ?

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/10/22 10:18 AM

...Sarah Giberti do you have the weights for SO-356? If not, Robert Baumann or Will Shallenburger can we weigh these? We need the bags with pallet weights for export paperwork....

Mill Group Chat | You, Brian, Don, +8

JS John Spears 10/7/22 9:10 AM

Patrick had it in his pocket. He gave it to me when I took him home. Thanks Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/6/22 10:09 PM

[Selected photo] John Spears we also need a few more labels for SO- 371-B for the outside of 2 pallets.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/6/22 10:05 PM

If someone accidentally has the key for the pallet warehouse we can't find it.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/6/22 5:23 PM

Jordan Tidaback Yes sir that's correct Ok we will restack it also thanks...

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Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 10/6/22 5:14 PM  
[Captured photo]

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 10/6/22 5:14 PM  
To confirm does this order need to be on a ht pallet SO-354 Jordan Tidaback Russell Tidaback...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/4/22 9:27 PM  
Yes checked all tanks didn't see any valves messed with cuz that was my first thought too. Might get the tech on the phone just to make sure settings are correct.

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/4/22 9:21 PM  
Right around 170 I personally don't think that's the problem...

ATMO - Mill Mgmt | You, Don, John, +2

**John Spears** 10/4/22 9:20 PM  
**Robert Baumann** thanks. That's what I was wondering. What was the temperature?

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/4/22 9:18 PM  
[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/4/22 9:18 PM  
John Spears it made no difference with or without canisters. They appear fine not dirty or anything and pressure read the same...

Mill Group Chat | You, Brian, Don, +8

**Will Shallenburger** 10/4/22 8:32 AM  
Jordan Tidaback Sarah Giberti do you have the weights for SO-356? If not, **Robert Baumann** or Will Shallenburger can we weigh these? We need the bags with pallet weights for export paperwork. I can get it first thing tomorrow.

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Mill Group Chat You, Brian, Don, +8



Jordan Tidaback 10/3/22 7:26 PM

Sarah Giberti do you have the weights for SO-356? If not, Robert **Baumann** or Will Shallenburger can we weigh these? We need the bags with pallet weights for export paperwork.

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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/2/22 7:40 AM

Robert **Baumann** Dont forget to put the SO-xxx with the pics just in case the number cannot be read in the pics.  
👍

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 10/1/22 10:44 AM

Robert **Baumann** great! Thanks.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/30/22 11:26 PM

Got the rest of the filters put together and put in the green monster just have to put the last bar back in John Spears...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/30/22 7:06 PM

[Selected photo] [Selected photo] [Selected photo]

Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 9/30/22 4:40 PM

Russell Tidaback No worries. 2nd shift is there until midnight. I will get with Robert **Baumann** when he gets here. All paperwork is in the control room, so he'll have everything he needs.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/30/22 12:06 AM

Robert **Baumann** John Spears we got the plug in fixed in the shop it wasn't working. I will let it charge and check the genie out before we leave John it is working I tried it out must not have been charging because of the outlet not working it seems to be good to go now.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/29/22 7:54 PM

It showed it taking a charge...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/29/22 7:53 PM

[Selected photo] [Selected photo]



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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/29/22 7:53 PM

John Spears we got the plug in fixed in the shop it wasn't working. I will let it charge and check the genie out before we leave...

ATMO - Mill Mgmt | You, Don, John, +2

John Spears 9/29/22 5:17 PM

Robert **Baumann** thanks for reminding me. I'll call for an appointment tomorrow.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/29/22 5:15 PM

John Spears do we know when the dumpster is going to get dumped...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 9/29/22 3:44 PM

Jim Hoover how long do we want it I had some fittings at home gunna try to make us one tonight...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 9/28/22 9:54 AM

...Will Shallenburger Robert **Baumann** It is crucial that you get a sample of all grades of material you run during your shift. The sample bottles are in the lab/maintenance room. Make sure to use the grease pencil on the CILAS computer desk to write the Grade and Date of sample....

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/27/22 11:48 PM

[Selected photo] [Selected photo] [Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/27/22 11:48 PM

Appears someone may have hit the roll up door on cardboard warehouse plz have a look in daylight. It was a bear to get down...

ATMO - Mill Mgmt | You, Don, John, +2

John Spears 9/27/22 9:41 AM

Robert **Baumann** thank you.

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ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/26/22 10:26 PM

John Spears I'm going to get the lid on tube mill ready for you to look at before we leave will put all nuts and washers in a bucket and leave the ladder there for you...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/22/22 11:35 PM

John Spears Will Shallenburger just a heads up we had a creeper hanging around the building tonight the police came did a walk thru with us and said he matches the description of a person of interest they are looking for. He was a white guy 6.4 tall big build and his footprint is huge. We will be locking and checking...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/22/22 10:25 PM

Can you give me a call Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

**Russell Tidaback (You)** 9/22/22 8:43 PM

**Robert Baumann...**

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 9/22/22 7:41 PM

Benjamin Waters The eight hours that you mentioned you were seeing should be the eight hours that I was missing from August 22 still leaves the issue of where's my holiday pay It shows you with 60 hrs total counting your holiday pay. Get with Will Shallenburger tomorrow he can show you...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 9/22/22 7:30 PM

Benjamin Waters So it's all due respect just because you can see my hours does not mean that you are aware of the situation going on Just trying to help...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 9/22/22 7:28 PM

Benjamin Waters Are you responsible for putting in my timers my shift supervisor responsible for putting in my time Will is but I can look at your hours...

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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 9/22/22 7:28 PM

Josh I will look at yours when I go back upstairs...

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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/22/22 7:27 PM

Benjamin Waters Additional eight hours was being shorted from Monday on August 22 No I went and looked including your 8 holiday pay your at 60 hrs...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/22/22 7:25 PM

Benjamin Waters This is the second holiday that I have not been paid for the first holiday was the 4 th of July . Is there a way to see our daily hours that we are paid for during each pay period ? I k ow that information... Your total hours have the 8 hrs of holiday pay you're showing not working on the 7th or 8th and...

ATMO - Mill Mgmt | You, Don, John, +2

Robert Baumann 9/22/22 6:18 PM

[Selected photo] Toyota tire was low looks like it might have a cut in the sidewall John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 7:18 PM

121 inches long and 5 inches round...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 7:02 PM

[Captured photo] [Captured photo] Might see if they carry the ones we need a lot of these are dry rotted. I will get a measurement for you...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 7:00 PM

Yes Jim is correct I measured it...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 9/20/22 6:48 PM

Robert Baumann Is there a label on the box so we can order more of these?

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 6:46 PM

We have 24 of the long ones in the oil room I will let you go through the worst ones to see which ones to replace...

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 9/20/22 6:17 PM

Robert **Baumann** sometime tonight could you look in the "oil room" to see if there are spare socks for the green monster. I saw a note from a few months back that some spares were in that room.

ATMO - Operations | You, Don, Gwen, +4

RB Robert **Baumann** 9/19/22 7:23 PM

Robert **Baumann** I'm counting 140 bags for the B order and 220 bags for the C order Not finding anything for the A order

ATMO - Operations | You, Don, Gwen, +4

RB Robert **Baumann** 9/19/22 7:22 PM

Jordan Tidaback Will Shallenburger John Spears just want to confirm SO-371 is done before we schedule pick up, as it doesn't match what is in the Daily Production Report (last picture). I'm counting 140 bags for the B order and 220 bags for the C order...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/16/22 5:51 PM

No Jordan Tidaback I need to come in at let Will show me how. I will find product from that day and have it ready...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/15/22 9:56 PM

[Selected photo] Got the scroll auger put back together had problem with bed dryer coming on started to feed product through the system and dusting out terrible again so gunna shut it back down after the clean out...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/15/22 6:59 PM

[Selected photo] [Selected photo] It also appears there are only 3 of these actuators functioning correctly on the lil mac...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/15/22 6:57 PM

[Selected photo] [Selected photo] Bolt is sheared off on long scroll to flour elevator. Gunna try to repair. John Spears...

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ATMO - Mill Mgmt You, Don, John, +2



Russell Tidaback (You) 9/15/22 8:44 AM

Robert **Baumann** Account isnt locked, i just checked. It does show there was a failed logon attempt at 10:50 PM last night. Try again today.




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 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/15/22 12:43 AM  
Dust just kept getting worse thru out the nite too...


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/15/22 12:42 AM  
[Selected photo]


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/15/22 12:41 AM  
Also won't let me in production so here the inputs...


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/15/22 12:41 AM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo]


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/15/22 12:40 AM  
So we ran slow letting it run thru and done an hour n a half clean out this is the lil Mac filters...


 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 9/14/22 6:38 PM  
900 # bulk bags just keeping a close watch on stacks.

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 9/14/22 6:35 PM  
Russell Tidaback Hi Robert **Baumann** So Forty 50# bags for SO-375 is ready to ship, just needs labels and shipping paperwork, correct? Yes sir 40 bags of afc on small ht pallet

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 9/14/22 6:34 PM  
Robert **Baumann** It's back here but we need labels ran for them Hi Robert **Baumann** So Forty 50# bags for SO-375 is ready to ship, just needs labels and shipping paperwork, correct?

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/14/22 5:51 PM  
It's back here but we need labels ran for them...

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/14/22 5:47 PM  
Jordan Tidaback Hi Robert **Baumann** (or Will Shallenburger if you're still there 😊), could you confirm we have have SO-375 ready? On the daily production schedule for 8/31, there is a note to assign 40 of the 50 bags to... I will go verify.

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 9/14/22 5:42 PM  
Hi Robert **Baumann** (or Will Shallenburger if you're still there 😊), could you confirm we have have SO-375 ready? On the daily production schedule for 8/31, there is a note to assign 40 of the 50 bags to this order....

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/14/22 4:18 PM  
[Selected photo] Robert **Baumann** when entering these in, please make sure these don't exceed the order quantity. This will help us keep an accurate count of what has been ran. Thank you

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/14/22 9:00 AM  
Robert **Baumann** Will Shallenburger we ran out of labels for the skid on the pallet wrapper got the others wrapped Thanks for the heads up.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/14/22 8:58 AM  
Will Shallenburger we ran out of labels for the skid on the pallet wrapper got the others wrapped...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/13/22 9:33 PM  
So tried to fire up and am fogging out badly doesn't help that they are having activities down the road tonight so lots of traffic so I'm pulling the plug already have an audience. We will finish wrapping pallets and shut things up sorry...



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Mill Group Chat You, Brian, Don. +8

Robert **Baumann** 9/13/22 8:24 PM

No I didn't everything else laying up there looked like it had been sitting outside in the weather. But I will check

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 9/13/22 8:21 PM

[Selected photo] Jim Hoover were these what we were discussing needing put back on btw...

Mill Group Chat | You, Brian, Don, +8

Jessie Hodge 9/13/22 8:16 PM

Robert **Baumann** Image Jessie Hodge can we get this ladder welded plz sir Yes I will get it first thing in the morning. Thanks for the heads up

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 9/13/22 8:15 PM

[Selected photo] Jessie Hodge can we get this ladder welded plz sir...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 11:58 PM

Thanks Robert **Baumann**

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 11:57 PM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 11:57 PM

Yes sir it clouded up terrible for about 30 mins but clearing up quite a bit now...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 11:55 PM

It started out absolutely horrible but finally doesn't look to bad, Jessie told me to just let it run as long as possible to get the crap cleaned out of the whole system so that's what I'm doing for as long as possible...

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Robert **Baumann** 9/12/22 10:26 PM

Got it fixed puting it back together and firing up to see how it looks in a minute...

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**Robert Baumann** 9/12/22 8:38 PM  
Will do...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 8:37 PM  
**Robert Baumann** Keep us posted with pics please.

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/12/22 8:33 PM  
Yes and I will see if we have bolts and nuts then go from there...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/12/22 8:31 PM  
Three...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 8:25 PM  
**Robert Baumann** What was the lids being screwed on by? Just a bolt and nut?

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/12/22 8:24 PM  
Yes Rj and I were cleaning til I find out what's up...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 8:21 PM  
**Robert Baumann** are you going to assist Jessie?

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/12/22 8:01 PM  
[Captured photo] I thought Jessie was aware of this sorry...

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Russell Tidaback (You) 9/12/22 7:59 PM

Robert **Baumann** The studs were cross threaded when we tried to pull them last week Robert **Baumann** Did you message Jessie Hodge about this?

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 7:58 PM

I just called him and he is coming in to get these fixed so possibly you guys can run something tonight. Robert **Baumann**

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/12/22 7:56 PM

The studs were cross threaded when we tried to pull them last week...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/12/22 7:54 PM

The lil Mac they pulled all the filters and broke a couple studs that holds the lids on then I broke one putting one back on tried rigging them up so we can run but they won't work.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 7:49 PM

Fill me Robert **Baumann** I dont know what you are referencing.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/12/22 7:48 PM

Russell Tidaback John Spears this is a no go without getting these studs replaced the lids won't stay on and it's dusting worse than it was when I tried to run...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/11/22 8:01 AM

Dang it sorry. I will look closer from now on...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/9/22 10:15 PM

[Captured photo] These bulk bag orders are now in the shop and dump truck keys are on the nail in control room...



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RB Robert **Baumann** 9/8/22 11:44 PM

It eats up a lot of time for sure. The Toyota fork truck literally just quit in the middle of the Isle just now also it won't even light up with key we ran what we could but will have to transfer a lot of this order to the shop for room...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 11:25 PM

Thanks Robert **Baumann**. We are going to get a better seal process for that thing. It is ridiculous to have to waste you and RJs time searching for insulation just to seal the tube mill door.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/8/22 10:18 PM

Completely took it off found some long piece's of insulation and it's good to go Jim Hoover John Spears Will Shallenburger Russell . It's 🔥 up on that tube mill...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/8/22 8:47 PM

It lasted about 10 minutes I found some more insulation on 4th floor so gunna try again and get a few more washers...

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/8/22 8:40 PM

7:30 am for Mr. Jim is fine. Robert **Baumann** were you able to stop the leak?

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:39 PM

Robert **Baumann**...Robert **Baumann** WHAT??? You mean an actual torque sequence to ensure things dont get warped when tightening?...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:35 PM

Jim Hoover I will be TOBY 🐻 tmrw boss for cup 🍷 of 🌊 Boss Robert **Baumann** You're the man... [image]

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Robert **Baumann** 9/8/22 8:33 PM

I loosened bolts and shoved more insulation and tightened back up gunna give it a try looks like lid is warped like bolts on one side were tighten at once instead of corner...

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Russell Tidaback (You) 9/8/22 8:18 PM

Robert **Baumann** Sorry we kind of ignored your message... did you find something to fix this leak?

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/8/22 7:42 PM

Robert **Baumann** Jim Hoover is the huge ratchet for tube mill lid in shop we have product pouring out gunna have to shut down to fix. I'm not seeing it This why we requested insulation to keep this from happening, Jim and I watched the for awhile to make sure no product was coming out.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/8/22 7:32 PM

Jim Hoover is the huge ratchet for tube mill lid in shop we have product pouring out gunna have to shut down to fix. I'm not seeing it...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/8/22 7:16 PM

They are properly placed on pallet...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 9/7/22 5:41 PM

Robert **Baumann** we should have the blower put together in time for you and RJ to run production tomorrow night. Please let RJ know.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/7/22 4:02 PM

Robert **Baumann** Unfortunately not tonight. John Spears I would expect tomorrow night to run, probably not 1st shift though since UPS overnight delivery will probably occur around noon and then finishing up the repair in the afternoon timeframe.

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/7/22 3:05 PM

Robert **Baumann** thanks.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/7/22 3:04 PM

John Spears Ok I will message Rj...

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ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/7/22 2:53 PM

Robert **Baumann** no work tonight. Parts will be here tomorrow. Only if Mr. Russell says different.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/7/22 2:50 PM

Are I and Rj supposed to come in today John Spears...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 9/7/22 8:02 AM

Jessie Hodge Robert **Baumann** Fantastic!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:07 PM

Pulley is in control room John Spears...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:03 PM

The keyway and all tools in bucket inside door...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:02 PM

Thanks Jessie Hodge...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:02 PM

Got it put back and shaft level. Just needs pulley and belts...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:01 PM

[Selected photo] [Selected photo] [Selected photo]




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 Robert **Baumann** 9/6/22 8:53 PM  
[Selected photo]


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/6/22 8:49 PM  
Will need to replace pulley prob a electric motor place in Joplin best bet...

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/6/22 8:48 PM  
[Selected photo]


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/6/22 8:48 PM  
John Spears Jessie has been here we are assisting him got pulley and shaft out seeing about getting as much done as we can...


 ATMO - Mill Mgmt | You, Don, John, +2

 Will Shallenburger 9/6/22 4:16 PM  
Just looking out for Robert **Baumann** driving all the way here, if he doesn't have to.


 Russell Tidaback (You)

 Robert **Baumann** 9/3/22 1:36 AM  
I will make sure next week I'm heading home we crushed that nightmare cream over half the nite so didn't get much ran have a good weekend...

 Russell Tidaback (You)

 Robert **Baumann** 9/3/22 1:29 AM  
It just keeps going to check internet connection no matter what I do does it update or something at around 11. Rj is pretty smart on them and he thinks it just losing Internet connection...

 Russell Tidaback (You)

 Robert **Baumann** 9/3/22 1:23 AM  
[Selected photo] [Selected photo]

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Russell Tidaback (You)



Robert Baumann 9/3/22 1:21 AM

Computer has been completely offline since 11:30 I will send report in the morning can't get our hours logged or numbers put in...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 9/2/22 6:44 PM

John put trash bags on them on his way out...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 9/2/22 6:40 PM

Will Shallenburger John Spears I sent this message after I left. You stated that you were going to get the bags to put on. I sent that message as reminder. Robert Baumann will you get a couple of trash bags put on the new... Do we have trash bags over or here can I stretch wrap these



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 9/2/22 6:39 PM

Jordan Tidaback Hi Robert Baumann - could you please check to make sure we have: 4 Bulk Bags for Order # 14520/SO-294 of DGC 7 Bulk Bags for Order # SO-346 of DGR Yes Jordan Tidaback we have these orders ready



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 9/2/22 6:27 PM

...John Spears I sent this message after I left. You stated that you were going to get the bags to put on. I sent that message as reminder. Robert Baumann will you get a couple of trash bags put on the new scroll motors. Thank you



ATMO - Mill Mgmt | You, Don, John, +2



Jordan Tidaback 9/2/22 6:06 PM

Hi Robert Baumann - could you please check to make sure we have: 4 Bulk Bags for Order # 14520/SO-294 of DGC 7 Bulk Bags for Order # SO-346 of DGR



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 9/2/22 1:13 AM

Wow... yep, thanks Robert Baumann!

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ATMD - Mill Mgmt You, Don, John. +2



Robert Baumann 9/2/22 12:22 AM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] This one blew out and a few others are bent on the ends some appeared to be in wrong will have them all out and put down to be blown out...


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 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 9/1/22 5:39 PM  
And masks...


 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 8/31/22 11:00 PM  
Took covers off of hammer mill and dug stuff and looked for problem's Jim Hoover thank you so much for the instructions over the phone. Jim said he would look everything over in the morning. We are crushing about 2 loads of cream now...


 ATMO - Mill Mgmt | You, Don, John, +2

 **Robert Baumann** 8/31/22 7:36 PM  
We are down hammer mill at end of pick belt stopped...


 ATMO - Mill Mgmt | You, Don, John, +2

 **Robert Baumann** 8/31/22 7:15 PM  
Will Shallenburger **Robert Baumann** if you would grab a sample of OGC once you start running, thank you. We are already switched to dgc sorry


 ATMO - Mill Mgmt | You, Don, John, +2

 **Will Shallenburger** 8/31/22 6:58 PM  
**Robert Baumann** if you would grab a sample of OGC once you start running, thank you.


 Russell Tidaback (You)

 **Robert Baumann** 8/31/22 1:31 AM  
Yes I went to fix the times and it went offline thank you sir.

 Russell Tidaback (You)

 **Robert Baumann** 8/31/22 1:30 AM  
We did 1 ogc for stock and got 5 done on the b order...

 Russell Tidaback (You)

 **Robert Baumann** 8/31/22 1:27 AM  
Good deal 🙌 ...

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Russell Tidaback (You)



Robert Baumann 8/31/22 1:26 AM

Yep I did twice just kept saying to check internet connection but I think I got them in if they took...



Russell Tidaback (You)



Robert Baumann 8/31/22 1:23 AM

Said no internet connection...



Russell Tidaback (You)



Robert Baumann 8/31/22 1:23 AM

[Selected photo]



Russell Tidaback (You)



Robert Baumann 8/31/22 1:22 AM

Did my numbers get in it went offline about 11:30...



Russell Tidaback (You)



Robert Baumann 8/31/22 1:20 AM

Yes he is going to work for his brother so gunna have to get someone else...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/30/22 7:23 PM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/30/22 7:21 PM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/30/22 7:21 PM

We need to see about getting a motor starter for cream delivery belt please it keeps kicking off again...



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Russell Tidaback (You)



Robert Baumann 8/30/22 7:19 PM

Yes he is supposed to stop in tonight and lmk.



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 8/30/22 5:25 PM

I spoke with Robert Baumann and RJ, we have a designated staging area for 2nd shift. This will help prevent orders ending up in more than one place. Having the whole order in one place, makes loading a truck a lot easier. I will also be verifying what was ran to help keep inventory straight.



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/29/22 10:17 PM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/29/22 10:17 PM

Got all rose crushed and cleaned out switched pipe to cream tank earlier and the handle broke off pipe needs welded on.



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 8/29/22 6:14 PM

Robert Baumann and RJ are assisting Jesse, if he needs help.



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 8/29/22 5:18 PM

Robert Baumann the rose all needs o be cleaned off the crusher dump area. A load of cream is to be dumped first thing in the morning.



Russell Tidaback (You)



Robert Baumann 8/28/22 1:26 PM

Sorry I had it typed out for teams and evidently didn't post...



Russell Tidaback (You)



Robert Baumann 8/28/22 12:59 PM

We transferred orders so 283 to shop 40 bags. Got other orders grouped together and moved stuff in the shop around. No product was ran.

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Robert Baumann



Russell Tidaback (You) 8/28/22 11:31 AM

Robert **Baumann** Did you guys run Firday night (8/26/2022)?



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/26/22 6:01 PM

Jessie Hodge is the dock plate good to use we are going to transfer bulk bags...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 10:29 PM

Thanks Robert **Baumann**....



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/25/22 10:24 PM

Ok to my counting for the A order there is 268 ogc, 212 ogr. For the B order I'm counting 280 ogc. Then there are 3 pallets 5 high with no tags but are with the A order...



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/25/22 9:43 PM

Yes I will look I've got another rework back I'm taking down then will count...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 9:34 PM

Hey Robert **Baumann** Can you look into this for me?...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 8:57 PM

Robert **Baumann** FYI... found a mistake on the schedule, SO-285 is for 80k lbs, not the 40k as currently listed, I am adjusting it and moving it.



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 8:06 PM

Robert **Baumann** You guys are working on SO-285 (3 left) then 14501-A tonight?

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ATMO - Mill Mgmt | You, Don, John, +2

John Spears 8/25/22 6:15 PM  
Robert **Baumann** Looks great!

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/25/22 6:14 PM  
[Selected photo] [Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/25/22 5:02 PM  
Thanks for your help Bonnie Bainter Robert **Baumann** and John Spears. Please ensure Rob is informed of filling out the BOL correctly. If it is picked up after hours, Rob just take a pic of the BOL and post it here so I can email the customer. We produced this order 17JUL... theyve been waiting ever since. its crazy

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/25/22 4:26 PM  
We can load it...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/25/22 10:22 AM  
Yes can you call me at around 3 about it...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/25/22 10:02 AM  
Robert **Baumann** Question for you. Working with Miguel. Do you want me to inquire with him if he would like to come back as a Mill Associate instead of Maintenance and help on 2nd shift with production?...

ATMO - Company Wide group chat | You, Brian, Don, +4

Robert **Baumann** 8/25/22 8:23 AM  
[Selected photo]

ATMO - Company Wide group chat | You, Brian, Don, +4

Robert **Baumann** 8/25/22 8:23 AM  
Some of those filters are still fine new from the last time if we can blow them out again and tape up the boxes for spares...





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 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 8/24/22 11:54 PM


Will do I couldn't find a tripped breaker and following electric lines now...

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 8/24/22 11:51 PM


Those have to be perfect to go on right. Motor still not turning. I'm gunna check what I can and we are gunna clean for a bit huge mess. Jessie Hodge Jim Hoover see if you guys can see the problem...

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 8/24/22 9:47 PM


These lids are making me feel dumb. I will update you in a bit...

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 8/24/22 9:42 PM


It didn't have hardly any thing in it when we changed them before about 6 weeks ago something can't be right. We just got it scooped out and trying to get lids on do you know a trick to that...

 ATMO - Mill Mgmt | You, Don, John, +2


 **Robert Baumann** 8/24/22 9:38 PM


They were changing filters in the Donaldson when we got here it was completely plugged up.

 ATMO - Mill Mgmt | You, Don, John, +2


 **Russell Tidaback (You)** 8/24/22 9:35 PM

**Robert Baumann** Where is this? What happened?

 ATMO - Mill Mgmt | You, Don, John, +2

 **Robert Baumann** 8/24/22 9:33 PM

Absolutely just packed in all the way down...

 ATMO - Mill Mgmt | You, Don, John, +2

 **Robert Baumann** 8/24/22 9:33 PM


[Selected photo]

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 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 8/24/22 9:33 PM

We are trying to get it back together but won't be able to start up make sure they check it all out when starting.

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 8/24/22 9:26 PM


I don't know I'm hoping we only got 2 lids on they are not fun it took me 30 mins on it while Rj was scooping product out...

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 8/24/22 9:22 PM

This is a train wreck we just got most of the bottom of it cleared out prob 5000 pound's of product out and getting ready to try to get lids on. Looks like this bottom motor hasn't been turning...

 ATMO - Mill Mgmt | You, Don, John, +2

 JS John Spears 8/24/22 9:06 PM


Robert **Baumann** how ya'll getting along?

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 8/24/22 6:45 PM

[Captured photo] Probably 700 # more to get out of machine plus 1000 on the floor...

 American Tripoli - Administration > Mill - Plant - Private

 JS John Spears 8/24/22 6:21 PM

Robert **Baumann** how's it looking over there?

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ATMO - Company Wide group chat | You, Brian, Don, +4



Russell Tidaback (You) 8/24/22 1:10 AM

...Thanks to RJ Williams and Robert **Baumann** for pumping out 36K lbs in the evening....



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/23/22 11:18 PM

Jessie Hodge Jim Hoover went to raise the elevator on palletizer to wrap these pallets and a chain fell off looks like a pusher chain from roller and elevator kept lowering...



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/23/22 7:26 PM

14499-a has 20 bags and 14499-b has 24 bags that are marked then we have 9 oqr that don't have order numbers on them. And I'm counting the same for 14517 as well...



ATMO - Mill Mgmt | You, Don, John, +2



Jordan Tidaback 8/23/22 7:06 PM

Hi Jim Hoover or Robert **Baumann** could you please help me get a count of bags for 14499-A and 14499-B? I thought I counted 23 for A and 22 for B. There should only be 20, so we may have extra to add to another order....



American Tripoli - Administration | Mill - Plant - Group



John Spears 8/23/22 6:02 PM

Robert **Baumann** should be plenty of product in the tanks. Thanks for the production report up to date. Have a good night.

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 1:00 AM  
Yeppers been shutting the feed of at 10:40...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:55 AM  
Idk it's in there now 🤔 ...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:53 AM  
O I see now, I'm getting the hang of it but it really won't let me do anything if your on it for some reason...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:48 AM  
Got it thanks. You gotta quit messing with me like that 🤔 ...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:47 AM  
Let me completely back out and try...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:46 AM  
Now it's completely blank...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:45 AM  
Nope I reloaded it twice...

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/23/22 12:42 AM  
[Captured photo] Russell Tidaback...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/23/22 12:10 AM  
Robert **Baumann** Make sure to input your production numbers for tonights run so we can adjust the production schedule. Thanks!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/19/22 11:14 PM  
We are still having issues with the cyclone air lock fyi other than that a couple times running good...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/17/22 9:30 PM  
I messed with it and oiled the lines again.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/17/22 8:49 PM  
I hope did it three times. I'm not pushing it real hard now tho. I fully understand what you went thru today...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/17/22 7:17 PM  
This cyclone vacuum feed keeps backing up I've looked and looked for something wrong it's slowing production extremely fyi.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/17/22 6:18 PM  
Yes on order SO- 347. Dgr...



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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 8/17/22 6:05 PM

Jim Hoover Robert **Baumann** you guys have enough material to run all night right?



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/17/22 1:53 AM

I tried multiple times said locked by administrator then your name...



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/17/22 1:51 AM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/17/22 1:51 AM

I tried it said you had it locked. Sorry...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/17/22 1:45 AM

Jim Hoover Robert **Baumann** At the end of your shift, please update the "Daily Production" spreadsheet BEFORE leaving the Mill for the day. The system cannot do its checks and balances, and throws error messages, if you dont complete your part.



ATMO - Company Wide group chat | You, Brian, Don, +4



Russell Tidaback (You) 8/15/22 8:03 AM

...Robert **Baumann** We will chit chat before your shift starts to see where the Day shift stopping point is.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 8/13/22 10:18 PM

Awsome 🤩...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 8/12/22 3:14 PM

Yes I checked all but the shop door I will do better at triple checking...

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ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/12/22 8:04 AM

[Selected photo] [Selected photo] Once we finally got old one out it's just like the ones in oil room but the fine mesh had been cut from this one. All bolts are in the bucket btw.

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/11/22 10:15 PM

Yes 1/8 and 51 wide 60 long...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/11/22 9:37 PM

And I honestly think you can get hardware cloth and make a screen we are getting it torn apart in a minute...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/11/22 9:29 PM

The chain itself is the whole unit is off a little but without taking it back apart and lifting it up and redoing the whole north side it can't be moved. We will let Jim and Jesse look but it's setting like it was before. But the chain sprockets are running true now...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/11/22 9:05 PM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/11/22 8:50 PM

It's just a separate piece hanging on there no purpose...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 8/11/22 9:04 AM

The system seems to be getting product through extremely slow for some reason. We kept looking and monitoring things to see if we had an issue somewhere. And I apologize Jim Hoover about not getting trash dumped I couldn't see to get the tarp pulled back to dump it.

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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) | 8/10/22 7:20 PM

Jim Hoover Robert **Baumann** let's meet tomorrow at 4pm in the control room to discuss a plan of attack on the progression plan. Just to make sure we are all working and understanding it's purpose, besides getting product out the door. Okay?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** | 8/2/22 5:44 PM

Yep...



Mill Group Chat | You, Brian, Don, +8



Cheri Blount | 8/2/22 5:44 PM

Robert **Baumann** thank you! Can you bring me the paperwork so I can scan it before I leave for the day?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** | 8/2/22 5:42 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo]



Mill Group Chat | You, Brian, Don, +8



Christine Schreiber | 7/28/22 12:58 PM

Robert **Baumann** RJ Williams Miguel Trujillo Can yall come into the admin office a little bit before your shift starts and get your headshot taken? We need it for the website and your profile.



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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/27/22 10:59 AM

Jim Hoover 🇺🇸 We need to leave this in teams so no one gets left out Jim Hoover it is posted in teams just left this as a reminder...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:56 PM

[Captured photo]

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:54 PM

Opening would not let product thru to go in bag.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:53 PM

Safety cone and a piece of hose 🇺🇸. You just can't get much in at a time without making a huge mess we are doing our best.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:27 PM

Hand bagging is a slow go and replacing bad and cleaning remaining filters in Donaldson. Jim Hoover you were right they are terrible 🇺🇸. Patching appears to be cured but will let them decide in morning on the screen.

Mill Group Chat | You, Brian, Don, +8

CS Christine Schreiber 7/26/22 3:04 PM

Shift Transition: Robert Baumann and Jim Hoover- Assuming the screens are ready to go, Rob, please don't run any dark rose tonight, continue running once-ground rose bulk bags, but with the already crushed product that falls to the bottom. Jim will have some added in already and Jim, please show Rob how to do this....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 7/26/22 11:07 AM


You asked who, Jeff(?), to fix the shaker? Again, you Jim Hoover, Robert Baumann and Christine Schreiber need to Communicating more in this group as to what is needing repair causing us to not run production. No one mentioned to this group that the Shaker was needing repair.


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 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 7/22/22 8:25 PM  
[Selected photo]


 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 7/22/22 8:25 PM  
Running very slow due to east belt motor kicking off checked all wiring but really having to babysit it to keep product this might need replaced M said...


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 7/21/22 7:30 PM  
Will do Jordan T. As of now running good getting our methods down to get the most product out the door...


 Mill Group Chat | You, Brian, Don, +8

 Russell Tidaback (You) 7/21/22 7:21 PM  
Thanks Miguel Trujillo Jim Hoover Reminder you are supposed to be posting to this chat group if the mill is down for more than 1 hour and also when it comes back up. It's your responsibility to be informing people. Easy method is through this chat. Robert **Baumann** same thing for you.

 Mill Group Chat | You, Brian, Don, +8

 Jordan Tidaback 7/21/22 7:10 PM  
Good to hear. Thanks for letting us know. Robert **Baumann** please post how much we produce this evening.

 Mill Group Chat | You, Brian, Don, +8

 Jordan Tidaback 7/21/22 7:08 PM  
Robert **Baumann** RJ Williams Miguel Trujillo

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Mill Group Chat | You, Brian, Don, +8

BB Bonnie Bainter 7/13/22 1:43 PM

I just spoke to our MSHA rep. he will be here at 7:30 tomorrow to put the monitors on Jeff Willis, Robert **Baumann** and Benjamin Waters. Will you 3 please meet me here in the admin office no later than 7:20? It is an 8-hour test, so sorry you will have them on until 3:30. He advised he will be here throughout the day.

Mill Group Chat | You, Brian, Don, +8

BB Bonnie Bainter 7/8/22 4:54 PM

Robert **Baumann**, hi will you please send someone with a forklift over to the maintenance shop? I have a key to it and they can move the drums in. Thank you

Mill Group Chat | You, Brian, Don, +8

BB Bonnie Bainter 6/29/22 10:49 AM

Miguel Trujillo your physical has been scheduled for 1:30 7/6 (next Wednesday) Robert **Baumann** yours is the following Monday 7/11 at 9:00 RJ Williams yours is also on Monday 7/11 at 3:30 Physicals are performed at OccuMed 336 S Jefferson St. Neosho I will remind each of you again, prior to the date....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 4/14 9:04 AM **IMPORTANT**

...Any questions on this post, please collaborate or ask **Rob**/John/Jessie directly.

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/14 8:16 AM

...The others... **Rob**, Maintenance, John, you, etc, from what I understand, since you arent over exposed due to different positions and exiting the mill periodically throughout the day, do not need to wear the PAPR masks. Remember, its amount of exposure over an 8-hr period not instant exposure, like a chemical....

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 4/11 5:47 PM

Jeremy Talbert what projects do you have for in the morning? Has **Rob** talked to you about anything needed?

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Mill Group Chat | You, Brian, Don, +8

RC Ryan Closser 4/10 10:28 AM

**Rob** I found a valve closed coming right off of the air dryer should be good to go now

Mill Group Chat | You, Brian, Don, +8

JM Jessie Moles 4/7 4:45 PM

Everyone make sure to shave over the weekend so i can do a fit test Monday morning. **Rob** will send you over one at a time so not to interfere with production.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 4/4 6:10 PM

...We'll continue with OGR for our next order. Then we have a couple of cream orders. I drove everyone of the forklifts today. Did an exam on each. Hope you all are doing the same. If you see a potential problem, let **Rob** know and he'll contact a maintenance man. Thanks again.

ATMO - Operations | You, Don, Gwen, +4

JS John Spears 4/4 5:02 PM

I'll pass that along to **Rob**.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/31 1:40 PM

Ronnell Fondren please see **Rob**. Crushing is not needed at this moment. Thanks. I understand. You need to communicate your intentions with **Rob** before moving to another task/job area. He may have a different assignment for you.

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 3/31 12:47 PM

...This is part of the Mill start up and shut down steps **Rob** should be ensuring is done everyday.

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ATMO Safety | You, Don, John, +2

Jessie Molesi 3/30 4:30 PM

Russell Tidaback R.J Williams is getting an incident investigation report filled out by **Rob** because he twisted his back while moving a bag of product. I was just wondering if you know since he is claiming he is ok and not injured and no first-aid was needed do we just do the report and not contact MSHA?

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/30 1:30 PM

...Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, **Rob** or Jim where this.....

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/30 1:04 PM

Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, **Rob** or Jim where this screen may be as well.

ATMO Safety | You, Don, John, +2

John Spears 3/30 11:22 AM

...Check with **Rob** or Alex regarding Mill Associate Start up and Shut down procedures. These have been established and are on the wall in the breakroom in the mill. From the safety point of view, you would.....

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 3/30 11:14 AM

Check with **Rob** or Alex regarding Mill Associate Start up and Shut down procedures. These have been established and are on the wall in the breakroom in the mill....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:47 AM

**Rob**, I mentioned you specifically because you have the most direct reports.



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:38 AM

...He needs **Rob's** input, Alex's input, the maintenance team input to make good, sound decisions.

ATMO Safety | You, Don, John, +2

JM Jessie Moles 3/27 1:51 PM

Jordan Tidaback is there a location in where I can find the workplace safety check that the Mill lead does. I can't see when **rob** does it

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/24 5:32 PM

Ah, okay. Now that makes sense. Thanks **Rob**.

Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/24 12:38 PM

John Spears WHERE ARE YOU @ because I was bagging and stacking pallets and then **Rob** come over and said he would do it for me to go down and clean up what's been sitting for days and he just stood there and didn't even do anything.

Quarry Operations | You, Gwen, John, +2

JS John Spears 3/24 11:49 AM

Good deal. Finish the clean up up top and around the flight feeder (crusher feeder) then see **Rob** about shoveling up the spillage at the finished product cyclone. Please.

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/23 2:45 PM

Some of the joints have rusted in the threaded area and doing so has caused holes because the wall is thinner. **Rob** has found a few joints that need reworked.

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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/23 8:57 AM

Awsome, **Rob**, thanks....**Rob**, make sure this is done. Especially on days when MSHA is there doing an air sample test... kind of makes sense right....



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/23 7:37 AM

...John and **Rob** will devise a plan, task appropriately and together we will make today a successful day.



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/21 6:30 PM

Okay, I will let them know. Thanks **Rob**.



Mill Group Chat | You, Brian, Don, +8



John Spears 3/21 11:48 AM

Ok. That "10" confused **Rob** and I. Thank you.



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 3/14 1:56 PM

Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR **Robert** Baumann) have been added to the production schedule....Please let **Rob** and John Spears know when the paperwork has been completed. Its being shipped to Michigan.



Mill Group Chat | You, Brian, Don, +8



Patrick Lewis 3/10 1:19 PM

**Rob** we're am I at? Lol

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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/9 5:26 PM

...And remember **Rob** won't know if it's our BOL or shipper specific. He is only tasked to make sure "a" BOL is signed and pics are taken....

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 3/9 5:09 PM

Jordan Tidaback Did we use the BOL they needed? I didn't think **Rob** had access to that folder? Driver got all the correct info on his copy he said he needed

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 3/9 5:07 PM

Did we use the BOL they needed? I didn't think **Rob** had access to that folder?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/7 8:12 AM

...RJ and **Rob** please continue to work on cleaning out the vacuum system. John and Ron, Pat as ground safety, work on classifoer scroll bearings....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/6 9:01 AM

...**Robert** Baumann please make sure the power is LOTO for the elevator scroll and green monster scroll for Jim....Once the classifier elevator is ready for tomorrow, Pat and Ron will need to go the maintenance room to learn how to do a continuity test and assist RJ....If you find yourself without something to, ask **Rob**, John or...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 1/24 10:20 AM

...Whether it's a Mill guy, **Rob**, Andrew or even John.....




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 ATMO - Operations | You, Don, Gwen, +4


 John Spears 1/20 2:31 PM


Russell Tidaback John Spears / Kensley Brewer Okay, so... to unscrew this... how many bulk bags of OGR do we have on the production floor? We need 20 for SO-287-A. We'll get you an accurate count shortly. **Rob** and I have been looking at what we have.

 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 1/20 1:32 PM


Yep, I understand. **Rob** should be inputting in the Daily Production spreadsheet what was produced each day before he leaves for the day. Kensley verifies the correct input with what is on the production floor and the spreadsheet.

 ATMO - Maintenance Group | You, Don, Joe, +3


 John Spears 1/18 1:00 PM

...The shaft that we used (had on hand) was 3-0 inches. I wanted to make sure the bearing slid onto the shaft easy enough so we wouldn't have to beat on it so bad. We experienced the oversized shaft problem with the little MAC blower outside. **Rob** can tell you about that.


 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 1/17 9:45 AM  
Thanks **Rob**

 Quarry Operations | You, Gwen, John, +2

 Russell Tidaback (You) 1/16 10:50 AM  
**Rob** responded so I deleted my post.

 Quarry Operations | You, Gwen, John, +2

 Russell Tidaback (You) 1/16 10:49 AM  
Nope your fine... I didn't see **Rob** in the quarry group.

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Mill Group Chat | You, Brian, Don, +8



Patrick Lewis 1/13 5:08 PM

Thats partially my fault. I failed to let **rob** know they were ready



Mill Group Chat | You, Brian, Don, +8



Gage Wheeler 1/6 11:04 AM

Hey **rob** give me a call



ATMO - Maintenance Group | You, Don, Joe, +3



John Spears 1/4 12:44 PM

Gage Wheeler **Rob** said there was a backup somewhere that he would like for you to check out and make sure there is nothing else.



Mill Group Chat | You, Brian, Don, +8



Benjamin Waters 12/30/22 2:16 PM

287 A is what we been producing the last few days . I asked for specifications and only received verbal comments from **Rob** regarding 287 A which we have OGR 17 bags done



ATMO - Mill Mgmt | You, Don, John, +2



John Spears 12/29/22 4:50 PM

Chuck's tips seemed to have worked. The problem looks to have been with the baffles being out of sync. Gage and **Rob** inched the mechanism along until the temp range became stable. We should be able to fire up in the morning, run bulk bags while the maintenance crew works on the packer.



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 12/29/22 2:02 PM

Thanks **Rob**. When we are producing we need to keep the mill team to the minimum. Can't keep paying people when we aren't producing.

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ATMO - Maintenance Group | You, Don, Joe, +3

Jordan Tidaback 12/28/22 6:46 PM

Ah yes, **Rob** can show you! John has probably just been so focused on maintenance, but don't worry, we'll get you up to speed.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 12/28/22 6:44 PM

Wow..okay so tomorrow ..ask **Rob** to show you the schedule

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/26/22 11:24 PM

I believe Kensley is going to be able to pick up the slack with Sarah leaving us. So I don't know if we will need to replace Sarah. John, we can discuss this. I want Kensley to assist **Rob** and John administratively. She seems to be catching on quickly.

Mill Group Chat | You, Brian, Don, +8

Sarah Giberti 12/26/22 2:57 PM

Russell Tidaback On SO-287-A it states that there is 17 bags in stock and three bags needed to fulfill order but from what **Rob** says we used that to fulfill orders SO-286-A/B and so we have no bulk bags in stock except for the completed 287-B

Mill Group Chat | You, Brian, Don, +8

Sarah Giberti 12/26/22 1:07 PM

**Rob** has labels and paperwork

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 12/24/22 12:37 PM

Merry christmas to everyone. Even you **rob**. Lol

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Mill Group Chat | You, Brian, Don, +8

Sarah Giberti 12/22/22 11:21 AM

Benjamin Waters Well at least we are having a nice dinner tomorrow! Yes sir! Also there may be some frozen chicken still in freezer, its free to whomever. Ask **Rob** if there is any left.

Quarry Operations | You, Gwen, John, +2

John Spears 12/22/22 8:54 AM

**Rob** has it warmed up. We should be able to run until 2.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 12/20/22 10:20 PM

...**Rob**, Over the past couple months, kept mentioning the elevator is full even with adding very little product.....

ATMO - Maintenance Group | You, Don, Joe, +3

Bryceton Williams 12/20/22 6:24 PM

...So **Rob** and I went back through all of the solenoids again to see if maybe one of those had stuck again, that was not it. So at the end of the day the last thing I can't think of besides some bit in the plc, is maybe the switch is bad....

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 12/19/22 10:44 AM

Nevermind. Thanks **Rob**

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 12/16/22 12:04 PM

This is what we came up with. I ground a "V" at the break the best I could. Bryceton welded it pretty good. We put a wedge under the other side because there was a space that caused the bearing to rock. Welded a bar strap over the top for further hold down. **Rob** and Bryceton are about to do a test run.

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/15/22 10:04 AM

According to **Rob** we're still getting some sort of product dump into the classifier even though we ran the equipment empty for almost an hour. We'll continue to investigate.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 12/14/22 9:00 AM

I like quieter. And yeah **Rob** when you need the big guy with the stupid strength remember I've got the stupid strength sir lol

Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/13/22 1:39 PM

Sorry. The shaft install is coming along nicely. **Rob** has a few pictures. The crew are working very diligently. Getting the weight plates on now. Will do final nut and bolt check before installing the drive gear.

ATMO - Operations | You, Don, Gwen, +4

JS John Spears 12/8/22 10:00 AM

Thank you. **Rob** was wondering.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/7/22 2:36 PM

...So, **Rob**, John, Kensley... who ever is ensuring the truck is being loaded with the correct material can call the shipper for the specific order if there are any questions. They can use their phone, look at the calendar, look at the orders scheduled for pickup today, and call the shipper based on the info given from the...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 12/6/22 2:40 PM

lol, sorry **Rob**... name & phone number? we need something in case we need to call when no one shows up.



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Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/5/22 9:53 AM

...Then we'll make our way around the rest of the mill with grease guns. Patrick Lewis Get with Rob about staging orders for shipping. Thank you all. I realize it has been tough but we're gonna get through this down time and be producing.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 11/22/22 3:24 PM

Well I believe somebody might need to go recount them Rob

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/16/22 12:32 PM

Perfect. Thanks Rob.

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 11/16/22 11:57 AM

Ok, well I didn't load it so maybe Patrick or Rob ?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/10/22 10:59 PM

Patrick Lewis You're welcome rob lol. Did you help too Patrick Lewis?

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 11/10/22 10:58 PM

You're welcome rob lol.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/10/22 10:18 PM

Jim Hoover call rob please

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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 11/9/22 5:58 PM

John Spears Make sure to show **rob** the <https://www.Calendar.online/ShiftLead>

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 11/8/22 10:47 PM

Ok thanks **Rob**. Are you guys cutting out early?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/7/22 10:40 AM

...We would like to run every Saturday through the end of the year, if possible, but to be able to do so we need 1 Shift lead (currently Jim or **Rob**), and 3 Mill Associates who can be there for the entire 8 hour shift....

ATMO - Mill Maintenance | You, John and Jordan

JS John Spears 11/4/22 5:12 PM

Please work diligently to get the MAC sock filter unit back together. **Rob** is ready to run product.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 11/3/22 5:16 PM

Sarah Giberti can I get these stickers for **Rob** if he hasn't already asked for them. Thanks.

ATMO - Mill Maintenance | You, John and Jordan

JS John Spears 11/2/22 7:21 PM

**Rob** and I are working on the shaft.

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Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 10/26/22 9:16 PM

**Rob** said it was yours and he even told me to take him including the pockets said they was yours and you wouldnt even miss em lol

Mill Group Chat | You, Brian, Don, +8

RJ Williams 10/26/22 9:11 PM

Nahh it was for **Rob** bro they hot fries was all me , telling your homies not snitching now talking to 12 that's different 🤔🤔

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:55 PM

I believe with **Rob**, RJ, Pat & Landry working on this, it should get knocked out with ease. Now, we need to get the bagger belt done.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:03 AM

**Rob..**

Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/25/22 12:53 AM

The pipe on bottom is not connected to anything accept into the flour elevator correct **rob** on bottom of. Flour elevator

Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/25/22 12:21 AM

**Rob** that is what I showed you on. West side of it the black switch i showed you up top



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Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/24/22 11:25 PM  
I know **rob** knows that

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/24/22 5:00 PM  
**Rob** - Please look at the Daily Production spreadsheet, the Orange highlighted cells are questions for you. Sent with DelayedSend

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 10/24/22 9:23 AM  
SO-378 is a double entry. Was not double produced. I'll make sure Jim and **Rob** get better information from each other and myself. SO-268 does need 60 more bags of OGR. I'll make sure that is completed first. I'll go over the updated board with the crew as well.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/19/22 5:11 PM  
Jim, Landry, Patrick, Benjamin, **Robert**, RJ, Max, John, Terry Just a reminder we have the Annual Refresher Training tomorrow in the garage across from the admin building. We start at 8:00 AM sharp, so be there at least 5 minutes early.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/14/22 6:43 PM  
Great thank you **Rob**. Jim, I totally understand, but please remember to do these. We have customers who request them if we don't send them automatically. Thanks, guys. Have a good weekend.

Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/14/22 6:39 PM  
No I'm sorry didn't, but i ask **Rob** to i got behind with the compress kicked out and loading 2 trucks since i had Ben doing Maintenance problems today on 4th floor that left one person on production floor sorry about that lot of crap going on

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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/13/22 12:19 AM  
Thanks **Rob**.

ATMO - Mill Maintenance | You, John and Jordan

Russell Tidaback (You) 10/12/22 10:13 PM  
Carson Allman did you find **Rob** and get the leak fixed?

ATMO - Mill Mgmt | You, Don, John, +2

Will Shallenburger 10/3/22 8:53 AM  
...Will Shallenburger IF the system runs great today and you get through all the cream orders (mon & tues), Id do the C-15 2nd to last, and leave the 900# bulk DGC for **Rob's** team, since he is short people.....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/3/22 8:45 AM  
...you get through all the cream orders (mon & tues), Id do the C-15 2nd to last, and leave the 900# bulk DGC for **Rob's** team, since he is short people....all the cream order and the C-15 early, then go ahead and do the 900# bulk too... we will just shift BULK OGR to **Rob's** team until we can get him some help...

ATMO - Mill Mgmt | You, Don, John, +2

John Spears 9/22/22 5:01 PM  
Will Shallenburger it's possible. I'll talk to **Rob**. Who's on top of the green box now?

ATMO - Mill Mgmt | You, Don, John, +2

John Spears 9/21/22 5:54 PM  
They're being sprayed off and examined. **Rob** and RJ are going to put the "cleaned" socks in the area by the crush room. Tomorrow Carson, Josh and Landry are going to reinstall the cleaned ones.

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Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 9/19/22 9:24 AM

Jordan Tidaback Also, we'll need a Cilas for DGC that was run around the 9/14 time frame, please. I don't see any in the files for September. Does **Rob** know how to run these yet? 9-14 has been ran.

Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 9/16/22 6:04 PM

...I don't see any in the files for September. Does **Rob** know how to run these yet? Sorry I've already left for the day but I will get with **Rob** and show him how to do that. If it can wait until Monday I will do it first thing.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 9/16/22 5:43 PM

Also, we'll need a Cilas for DGC that was run around the 9/14 time frame, please. I don't see any in the files for September. Does **Rob** know how to run these yet?

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/13/22 6:02 PM

I stapled the busted out folds together and **Rob** is wrapping screen around it to keep it together better. We hope. **Rob** and RJ are going to reinstall them and fire up the system. See what happens.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 9/13/22 2:05 PM

Come on now you showed **Rob** lol

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/11/22 8:01 AM

Good morning **Rob**. No worries. It happens. Have a good Sunday.

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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:23 PM

...Will Shallenburger Okay, so while we wait on **rob's** response, lets plan on having Jim and you tackle this "something at work" that Jim says will work tomorrow morning at 730 and try to get it done by 800 so we can run as planned....

ATMO - Mill Mgmt | You, Don, John, +2

JH Jim Hoover 9/8/22 8:05 PM

But the card board will only have the dimensions on it it just has to be hanging over both side you know you remember how to fix this problem **rob** is having correct

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 5:08 PM

John Spears Yes sir. **Rob** is here and going over the details with Jim and Will. Perfect. Thank you!!!! John Spears

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/8/22 5:08 PM

Yes sir. **Rob** is here and going over the details with Jim and Will.

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/6/22 6:03 PM

Jessie Hodge **Rob** is trying to get the driven pulley off of the shaft.

AT American Tripoli - Administration > Mill - Plant - Group

JS John Spears 8/19/22 5:42 PM

The oiling spigot on the tube mill was replaced. Re-fired at aprox. 3:30pm. Met with **Rob** for a debriefing.

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• Produce all teams chats that Baumann participated in from February 1, 2023 through April 17, 2023—**please send us a legible copy of the document you previously sent and confirm that is the only document you have in response to this. If not, send the remaining documents from this time frame.**



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**ATMO Mill Mgmt** | You, Don, John, >2

**Russell Tidaback (You)** 4/9 10:11 AM  
Alex Snodgrass John Spears Robert Baumann Good Morning Gentlemen. SO-323, according to the Daily Production spreadsheet is complete. Alex Snodgrass can you confirm 800 bags, 40 pallets and 40 slipsheets? The spreadsheet is showing 800 bags, 33 pallets, and 36 slipsheets. [image]

**ATMO Mill Mgmt** | You, Don, John, >2

**Russell Tidaback (You)** 4/7 5:45 AM  
...Just a reminder...to manage the storage space in the **mill**; you can view the production schedule to see what SO#s are scheduled to be shipped...This way you all know which orders need to be moved to the garage, etc. to make space in the **mill**...you do move orders to the garage, tag Julie in the **Mill** Chat group notifying her...

**ATMO Mill Mgmt** | You, Don, John, >2

**Russell Tidaback (You)** 4/5 4:52 PM  
...Once this pallet loader is electrically disconnected from the palletizer, then over a weekend, yes, 4 people OT would be authorized to disassemble and remove the palletizer pallet loader from the **mill** production floor...

**ATMO Mill Mgmt** | You, Don, John, >2

**Russell Tidaback (You)** 4/5 4:35 PM  
Details still being worked out.

**ATMO Mill Mgmt** | You, Don, John, >2

**JS** John Spears 4/5 4:34 PM  
When do we expect the wrapper and rolls?

**ATMO Mill Mgmt** | You, Don, John, >2

**Russell Tidaback (You)** 4/5 4:34 PM  
We are ordering a new automatic stretch wrapper... the details are being worked out now.

**ATMO Mill Mgmt** | You, Don, John, >2

**Russell Tidaback (You)** 4/5 4:32 PM  
Additional info: We order 80k bags, usually once a year. Our 2023 bag order was scheduled to be delivered in March but now is pushed back until May. Hood packaging our bag supplier has a factory lead time, much like ours currently... many months. Stretch wrap... we need to be cognizant that stretch wrap has a shelf...

**ATMO Mill Mgmt** | You, Don, John, >2

**JS** John Spears 4/5 4:30 PM  
Russell Tidaback Also, Alex Snodgrass John Spears, need you guys to start planning ahead and paying attention the required forecasting of needed materials. Looking at the production schedule... need to collaborate on... Will do.

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**ATMO - Mill Mgmt** | You, Don, John, +2

**JS** John Spears 4/5 4:30 PM

Russell Tidaback Also, Alex Snodgrass John Spears, need you guys to start planning ahead and paying attention the required forecasting of needed materials. Looking at the production schedule... need to collaborate on... Will do.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 4/5 4:29 PM

Also, Alex Snodgrass John Spears, need you guys to start planning ahead and paying attention the required forecasting of needed materials. Looking at the production schedule... need to collaborate on how many pallets, slip sheets, and stretch wrap is needed for next months orders, for example, We have 7,187 slipsheets...

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 4/5 4:09 PM

I copied the April info from the March tab to the April tab.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 4/5 4:09 PM

Robert Baumann Alex Snodgrass John Spears Hi guys... make sure we input the daily production on the correct tab of the spreadsheet... [image] To "show" May, for example, right click on the April Tab and select May. Since we are working on SO-323 and is spreads across 31MAR into APR... lets leave to March tab visible.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:47 AM

Rob, I mentioned you specifically because you have the most direct reports.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:46 AM

Robert Baumann, we need you to make sure the **mill** associates do what is needed. Be on time, do the daily inspections, perform the tasks given... and that means ALL of the tasks... bathroom cleaning, trash, sweeping, cleanup, etc....

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:38 AM

...We need the **mgmt** side to start placing emphasis on thinking ahead, being organized, scheduling accordingly, etc....

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:35 AM

The machines need maintenance attention, yes we all know this. But to get people to stay long enough to learn the process, learn the machines... this has been the problem.

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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:33 AM

Yep, that's John's call. He is local. The palletizer doesn't slow the production down. Have to remember at one time the mill produced 100k lbs a day without a palletizer and 200lb bags.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 3/30 10:32 AM

We were told yesterday that we weren't doing maintenance yesterday and if we get the palletizer fixed and all machines working correctly we could probably reach daily production goals...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**

"guys we are charging the tube mill and sealing up the elevator first thing in the morning"... okay, this is probably a good segway to bring us back together and iterate the importance of production urgency. The daily production goal is 50k lbs produced. Produced meaning to the final step of being stretch wrapped. The...

ATMO - Mill Mgmt | You, Don, John, +2

AS Alex Snodgrass 3/28 3:17 PM

Russell Tidaback we got it...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/28 2:53 PM

Sorry brother, but now you see what this on-hand inventory is so important to keep accurate.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/28 2:37 PM

Alex Snodgrass Please confirm [image]

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 3/28 2:10 PM

Russell Tidaback Alex Snodgrass John Spears please make sure a CILAS report is done for each order. We received a customer complaint that they didn't get one. Will do.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/28 2:09 PM

Alex Snodgrass John Spears please make sure a CILAS report is done for each order. We received a customer complaint that they didn't get one.



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**ATMO - Mill Mgmt** | You, Don, John, +2

Jordan Tidaback 3/28 3:58 PM  
Yep!

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/28 1:58 PM  
Jordan Tidaback filled you in on the labels and bag making process?

**ATMO - Mill Mgmt** | You, Don, John, +2

Alex Snodgrass 3/28 1:49 PM  
The 5 lbs, we have 4, im filling the 5th now...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/28 1:48 PM  
Thanks Alex Snodgrass...

**ATMO - Mill Mgmt** | You, Don, John, +2

Alex Snodgrass 3/28 1:48 PM  
Russell Tidaback 15 OGC 50 lbs is a yes...

**ATMO - Mill Mgmt** | You, Don, John, +2

Alex Snodgrass 3/28 1:12 PM  
3 OGC is a yes. Let me check on the other two...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/28 12:57 PM  
Alex Snodgrass Please confirm on-hand: (For customer Custom Blenders) [image] [image] [image] [image]  
[image] [image]

**ATMO - Mill Mgmt** | You, Don, John, +2

Alex Snodgrass 3/24 3:11 PM  
3 bulk bags as OGC...

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ATMO - MIII Mgmt | You, Don, John, +2

AS Alex Snodgrass 3/24 2:10 PM  
Weve got the 1 OGR None of the DGC, those were shipped out a couple weeks ago...

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/24 2:46 PM  
👍

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/24 2:46 PM  
have Alex Snodgrass join you so he can get use to answering these inquiries.

ATMO - MIII Mgmt | You, Don, John, +2

RB Robert Baumann 3/24 2:45 PM  
Lmcheck...

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/24 2:44 PM  
ugh, he changed his mind... do we have this on-hand? [image] just one OGR and one DGC. Robert Baumann  
Alex Snodgrass...

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/24 2:42 PM  
Thank you sir.

ATMO - MIII Mgmt | You, Don, John, +2

Robert Baumann 3/24 2:41 PM  
Yes we have on hand...

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/24 2:38 PM  
we have a customer requesting both...

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ATMO - Mill Mgmt | You, Don, John, + 2

Russell Tidaback (You) 3/24 2:38 PM  
Alex Snodgrass Robert Baumann Please confirm we have this on-hand: [image] John Spears...

ATMO - Mill Mgmt | You, Don, John, + 2

Russell Tidaback (You) 3/24 9:57 AM  
Thanks John...

ATMO - Mill Mgmt | You, Don, John, + 2

JS John Spears 3/24 9:05 AM  
Russell Tidaback Russell Tidaback Also, note SO-304 is not complete. On the daily production spreadsheet it shows 200 DGR bags/10 pallets completed, the order is for 220 bags/21 pallets. We need to finish this ASAP. 🙄 We'll get that taken care of right away.

ATMO - Mill Mgmt | You, Don, John, + 2

Russell Tidaback (You) 3/24 2:06 AM  
Also, note SO-304 is not complete. On the daily production spreadsheet it shows 200 DGR bags/10 pallets completed, the order is for 220 bags/21 pallets. We need to finish this ASAP. 🙄

ATMO - Mill Mgmt | You, Don, John, + 2

Russell Tidaback (You) 3/24 1:38 AM  
The mill internet? The internet for the Mill runs through the admin bldg. If the admin bldg internet is working and the mill isn't, it's the network switch by the bathroom. It may need to be restarted.

ATMO - Mill Mgmt | You, Don, John, + 2

JS John Spears 3/23 5:39 PM  
Yes. Mill internet is out. Rally working on it. I'll enter the goods here in a bit.

ATMO - Mill Mgmt | You, Don, John, + 2

Russell Tidaback (You) 3/23 5:38 PM  
Robert Baumann Did we produce today? Alex Snodgrass...

ATMO - Mill Mgmt | You, Don, John, + 2

JS John Spears 3/22 9:18 AM  
Good morning crew. We'll continue with SO-304. Y'all did great yesterday.

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**ATMO - Mill Mgmt** | You, Don, John, 42

**Russell Tidaback (You)** 3/21 6:30 PM  
Okay, I will let them know. Thanks Rob.

**ATMO - Mill Mgmt** | You, Don, John, 42

**RB** Robert Baumann 3/21 6:25 PM  
I'll make sure to get the other wrapped up...

**ATMO - Mill Mgmt** | You, Don, John, 42

**Russell Tidaback (You)** 3/21 6:23 PM  
Safe to let them know the order is ready to be picked up?

**ATMO - Mill Mgmt** | You, Don, John, 42

**RB** Robert Baumann 3/21 6:23 PM  
Russell Tidaback Customer is asking, is why I am verifying. They want to send a truck tomorrow. Yes 21 pallets 7 still need to be wrapped...

**ATMO - Mill Mgmt** | You, Don, John, 42

**Russell Tidaback (You)** 3/21 6:09 PM  
Customer is asking, is why I am verifying. They want to send a truck tomorrow.

**ATMO - Mill Mgmt** | You, Don, John, 42

**Russell Tidaback (You)** 3/21 6:08 PM  
Robert Baumann We need 265 more bags Robert Baumann Help me get the numbers... SO-298 - 420 bags of OGR 9MAR: 60 15MAR: 35 20MAR: 135 21MAR: 130 Total: 360 do you have other bags produced earlier for SO-298 that total up to the 420 needed?

**ATMO - Mill Mgmt** | You, Don, John, 42

**Russell Tidaback (You)** 3/21 5:20 PM  
Keep in mind that we are hiring a production coordinator and a safety specialist that can also help in the mill, as needed. Plus, when we hire a quarry person, Ron will be coming back to the mill...We definitely dont need to hire more mill associates. IMO we need to utilize the people we have to ensure all the things...

**ATMO - Mill Mgmt** | You, Don, John, 42

**Russell Tidaback (You)** 3/21 3:45 PM  
Robert Baumann I am not understanding your comment in the Mill group chat about "running half throttle now".

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- ATMO - Mill Mgmt** | You, Don, John, +2
- John Spears 3/20 6:24 PM  
Yes Ma'am. I understand. We'll get past this hiccup and persevere.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Jordan Tidaback 3/20 6:21 PM  
Just FYI...The CEMCO scroll invoice is what is holding up getting the palletizer motor back. Keep in mind, that scroll balance due is \$40K. The palletizer motor may only be a couple thousand, but they will not work on that motor until the scroll is paid for. It's been extremely challenging to shuffle money around for...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- John Spears 3/20 10:06 AM  
The burner man is sick. He is sending his partner from Grove to install the mother board into the Mod-Motor and trouble shoot to get it ready.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- John Spears 3/20 9:39 AM  
Robert Baumann got a CFI Truck wanting to pick up SO-2908.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Robert Baumann 3/20 9:29 AM  
Russell Tidaback Ok, let me know We need 265 more bags...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Russell Tidaback (You) 3/20 9:04 AM  
Ok, let me know...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Robert Baumann 3/20 9:02 AM  
Russell Tidaback Robert Baumann How close are we on SO-290? ...288 more bags to go? [image] [image] I'm looking at it now we've ran odds n ends bags working on the packer so figuring out exactly how many more we need...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Russell Tidaback (You) 3/20 9:00 AM  
Robert Baumann How close are we on SO-290? ...288 more bags to go? [image] [image]



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**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/14 9:01 AM  
I wouldnt try doing it on a cold day... waste of fuel...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/14 9:01 AM  
Sounds good. Keep in mind until we get a "good" run of constant hot material through the system, there is a lot of build up in the system that will need to be flushed out.

**ATMO - Mill Mgmt** | You, Don, John, +2

RB Robert Baumann 3/14 8:59 AM  
Ok we will try it I went up and got excess material from the spots it was built up on and am waiting for the guys to help reassemble the rest of the pulverizer guess to start up...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/14 8:56 AM  
Good Morning Gentlemen. Robert Baumann Lets not start the exhaust blower motor outside by the crusher ramp today and see if today is a better run.

**ATMO - Mill Mgmt** | You, Don, John, +2

RB Robert Baumann 3/8 5:57 PM  
Should be good thanks see you in the morning...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) 3/8 5:51 PM  
Robert Baumann Thanks I thought I had it in a chat with you and John sorry No worries. Just making sure everything was okay with Mom...:-) If you need anything let us know.

**ATMO - Mill Mgmt** | You, Don, John, +2

John Spears 3/8 5:18 PM  
Robert Baumann Had to get a few stitches and sore but ok having to board up a window now 🙄 Glad she's doing good.

**ATMO - Mill Mgmt** | You, Don, John, +2

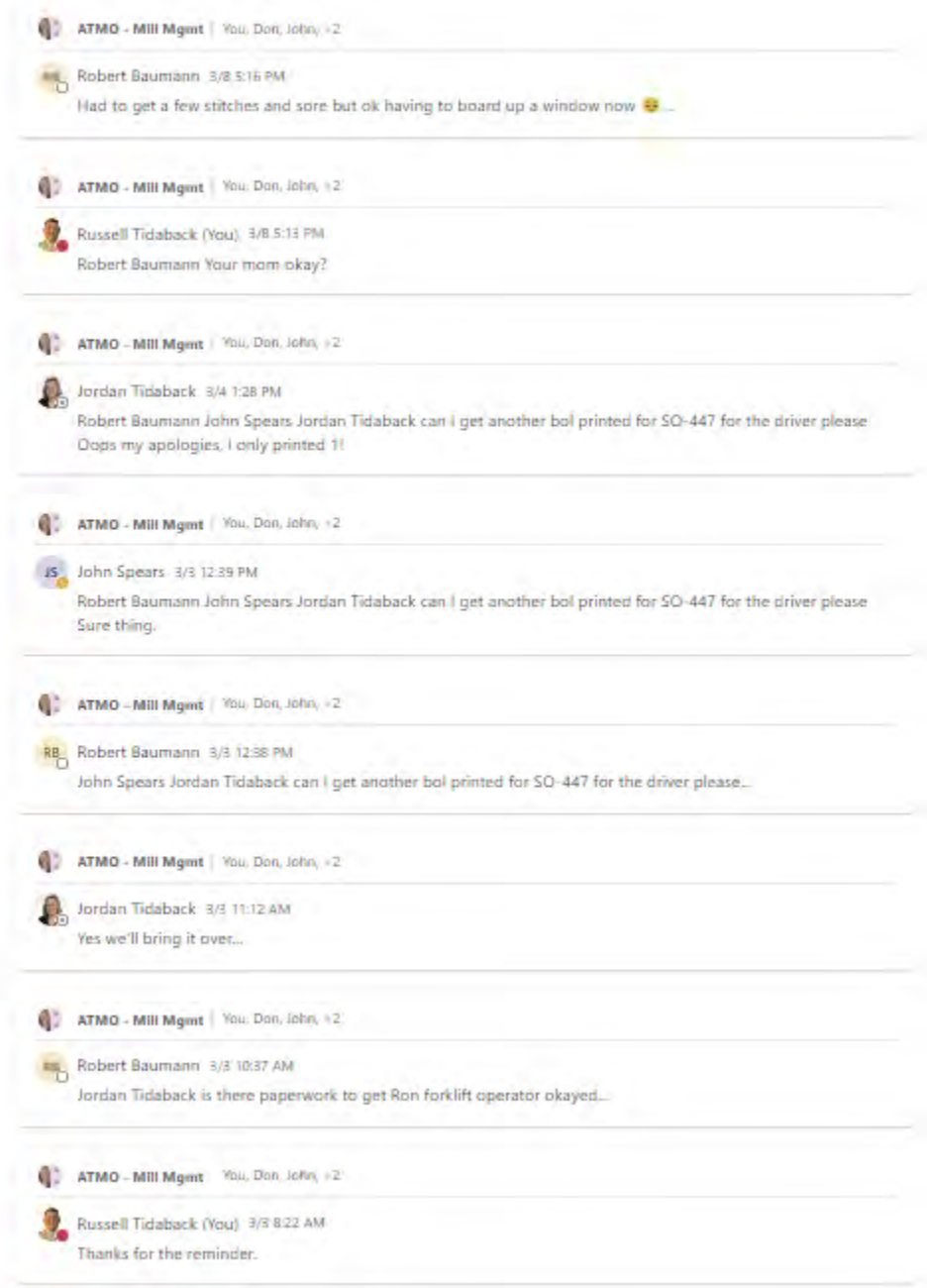
RB Robert Baumann 3/8 5:17 PM  
Thanks I thought I had it in a chat with you and John sorry...

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ATMO - MIII Mgmt | You, Don, John, +2

Robert Baumann 3/3 8:08 AM  
We shipped 15 bags of 50 pound AFC they requested 28 fifty pounders all we had was 15 in stock...

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/2 10:27 PM  
Robert Baumann Please confirm, Did we ship 28 bags of AFC or 15 bags of AFC last week?

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/23 3:43 PM  
Please confirm we have [image] Robert Baumann John Spears...

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/18 12:07 AM  
Think about it as a timeline... for example at 8am bla bla bla happened then approximately at 10am bla bla bla happened.

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/18 12:05 AM  
John Spears Robert Baumann I need for you two gentlemen over this weekend to think about what transpired with MSHA starting Monday. Make some notes initially on things you remember as next week I will need you to put the pieces together into a formal statement. What happened Monday should not have happened.

ATMO - MIII Mgmt | You, Don, John, +2

JS John Spears 2/12 7:52 PM  
👍

ATMO - MIII Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/12 11:38 AM  
Robert Baumann John Spears - For Monday 13FEB, to give Gage time to troubleshoot the packer... [image]

ATMO - MIII Mgmt | You, Don, John, +2

Jordan Tidaback 2/10 3:59 PM  
Ok thank you.



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**ATMO - Mill Mgmt** | You, Dan, John, +2

**John Spears** 2/10 3:58 PM  
I have a few that need ran. I've forgotten about them since we've been concentrated on the packer and flour elevator. I'll get them done first thing Monday. Thanks for reminding me.

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Jordan Tidaback** 2/10 3:51 PM  
John Spears have we been running Cilas Reports for the bulk bag orders that have been going out?

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Russell Tidaback (You)** 2/10 8:49 AM  
Good Morning. Robert Baumann Lets jump back on SO-298 today. [image]

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Russell Tidaback (You)** 2/9 5:54 AM  
Good Morning Robert Baumann + Once we finish SO-438 from yesterday, lets jump on SO-435 [image]

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Russell Tidaback (You)** 2/8 3:52 PM  
no worries.

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Robert Baumann** 2/8 3:52 PM  
Awesome thank you. You know I'm such a wizard on these computers 😊 ...

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Russell Tidaback (You)** 2/8 3:50 PM  
Try now brother...

**ATMO - Mill Mgmt** | You, Dan, John, +2

**Russell Tidaback (You)** 2/8 3:48 PM  
let me take a look...

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ATMO - Mill Mgmt | You, Don, John, & 2

Robert Baumann 2/6 3:47 PM  
On the daily production it's not letting me put yes in the order complete column Russell Tidaback Jordan Tidaback...

ATMO - Mill Mgmt | You, Don, John, & 2

Russell Tidaback (You) 2/6 9:01 AM  
At end of day. Sounds good...

ATMO - Mill Mgmt | You, Don, John, & 2

Robert Baumann 2/6 8:58 AM  
Should we go ahead and produce the other 4 bulk bags for SQ-290 to complete it to switch to dgr...

ATMO - Mill Mgmt | You, Don, John, & 2

Robert Baumann 2/6 8:53 AM  
Just 20 we need 400 more the 17 bags got counted into inventory...

ATMO - Mill Mgmt | You, Don, John, & 2

John Spears 2/6 8:48 AM  
We made a few.

ATMO - Mill Mgmt | You, Don, John, & 2


Russell Tidaback (You) 2/6 8:32 AM  
Robert Baumann John Spears Before sending this to the Mill Group chat, wanted to ask if the 37 bags produced on 26DEC are labeled and set aside from the inventory count or do we need to produce all 420 bags? [image]


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 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 4/17 12:16 PM


Good Morning Everyone. MSHA inspector, Mr. Markeson, is suppose to be there in the morning to address the "close tag" issue in the mill. He has also been asked to clarify what "tasks" we can do in the mill while under the Order. The PAPR masks are scheduled to arrive Tomorrow, so Jessie will get these assembled and...


 Mill Group Chat | You, Brian, Don, +8


 Patrick Lewis 4/16 9:54 PM  
Ok...


 Mill Group Chat | You, Brian, Don, +8


 JS John Spears 4/16 9:55 PM  
Hopefully.


 Mill Group Chat | You, Brian, Don, +8

 Patrick Lewis 4/16 9:52 PM  
So Tuesday then...

 Mill Group Chat | You, Brian, Don, +8

 JS John Spears 4/16 9:47 PM  
No work tomorrow. We should be getting the power back on in the morning.

 Mill Group Chat | You, Brian, Don, +8

 Russell Tidaback (You) 4/14 9:04 AM **IMPORTANT**  
Hi Guys. From what we are learning in dealing with MSHA, and the recent air quality test results... those individuals who were tested as overexposed will need to wear a Powered Air Purifying Respirator (PAPR) until we can get the air readings back down to under the limits. We have ordered these PAPR masks. These should...

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**Mill Group Chat** | You, Brian, Don, & 8

JML Jessie Molesi 4/11 11:53 AM  
Please acknowledge when you read this message...

**Mill Group Chat** | You, Brian, Don, & 8

JML Jessie Molesi 4/11 11:53 AM  
Jim Hoover, Patrick Lewis, Ronnell Fondren, and RJ Williams I have you guys scheduled for both an audiogram and Pulmonary function tests (PFT) for Wednesday (4/12/2023) at 0900 am at Express Wellness/ 2518 N Main St, Miami, OK 74354. I have forms that you have to bring with you to the appointment that I will bring to...

**Mill Group Chat** | You, Brian, Don, & 8

AS Alex Snodgrass 4/11 11:45 AM  
On it...

**Mill Group Chat** | You, Brian, Don, & 8

RB Robert Baumann 4/11 11:45 AM  
Alex Snodgrass can we get the labels for the maverick order please...

**Mill Group Chat** | You, Brian, Don, & 8

JS John Spears 4/11 8:08 AM  
Good morning Crew! We'll finish SO-325 this morning. Everyone did very well yesterday with pallets, impeller bearing and staging product. Thank you. I've have to see Lehar's diesel this morning. They open at 8am. I'll be on to the mill directly afterwards.

**Mill Group Chat** | You, Brian, Don, & 8

JS John Spears 4/10 1:19 PM  
Robert Baumann don't feed. We're working on the impeller bearing.

**Mill Group Chat** | You, Brian, Don, & 8

RC Ryan Closser 4/10 11:54 AM  
It's just my personal opinion...

**Mill Group Chat** | You, Brian, Don, & 8

RC Ryan Closser 4/10 11:53 AM  
The valve on the end of the air tank closest to the second floor steps or right outside the shop door it was closed as well. It seemed as if somebody closed it in an effort to try to lock air in the system for the weekend. If we're trying to do that we're inviting problems.



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**Mill Group Chat** | You, Brian, Don, & B

**JT** Jeremy Talbert 4/10 11:04 AM

Yeah i know which one your talking about what about the others where they all opened i drain the air tanks everyday theres never any moisture...

**Mill Group Chat** | You, Brian, Don, & B

**RC** Ryan Closser 4/10 11:02 AM

The valve that was shut off was the 4" main directly above the air dryer... Downstairs. It's a 4" ball valve and feeds the entire system. NOT the little 1/2" Gate valve on the second floor next to the packer.

**Mill Group Chat** | You, Brian, Don, & B

**JT** Jeremy Talbert 4/10 10:57 AM

I noticed this friday i was gonna see about doing it Saturday when i make up today if johb was okay with that i think the bearingbis in the maintenance shop...

**Mill Group Chat** | You, Brian, Don, & B

**JS** John Spears 4/10 10:50 AM

Robert Baumann [Image] Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning Thank you.

**Mill Group Chat** | You, Brian, Don, & B

**RB** Robert Baumann 4/10 10:49 AM

[Captured photo] Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning....

**Mill Group Chat** | You, Brian, Don, & B

**JT** Jeremy Talbert 4/10 10:38 AM

Not sure what valve hes talking about only valve on packer that we are shutting off is on air supply the one i installed thursday...

**Mill Group Chat** | You, Brian, Don, & B

**RB** Robert Baumann 4/10 10:34 AM

Ryan Closser Rob I found a valve closed coming right off of the air dryer should be good to go now Thank you. VERY IMPORTANT if we shut a valve off that normally doesn't get closed PLEASE let everyone know...

**Mill Group Chat** | You, Brian, Don, & B

**RC** Ryan Closser 4/10 10:28 AM

Rob I found a valve closed coming right off of the air dryer should be good to go now...

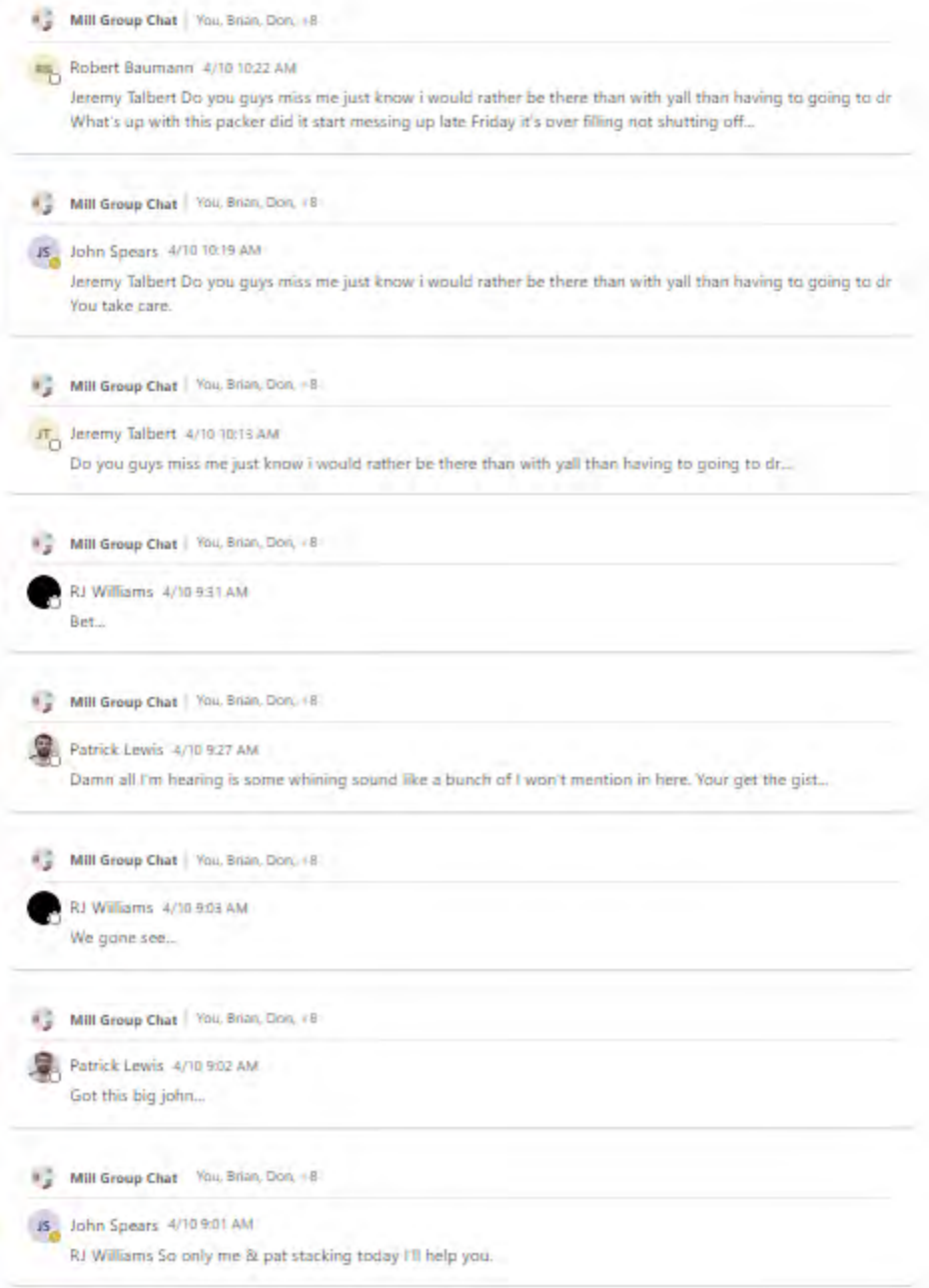
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**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 4/10 8:48 AM  
Hell yeah. I'm on my way ladies don't trip lol...

**Mill Group Chat** | You, Brian, Don, +8

RJ Williams 4/10 8:44 AM  
So only me & pat stacking today...

**Mill Group Chat** | You, Brian, Don, +8

JM Jessie Molesi 4/10 8:44 AM  
Copy that...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/10 8:43 AM  
Robert Baumann Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow Sounds good...

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 4/10 8:41 AM  
John Spears Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy... Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow...

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 4/10 8:10 AM  
John Spears Here are a few examples. Before we go home today everyone needs to scour the mill and pick up the trash please. I appreciate y'all's hard work and I enjoy providing soda every now and then but we gotta keep the trash picked up. Thanks. This should be common sense, but even MSHA makes it a requirement: [image...]

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/10 8:04 AM  
Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy is out today so Ryan will be the only maintenance person. Jessie will try to get everyone fit tested for masks today...

**Mill Group Chat** | You, Brian, Don, +8

JM Jessie Molesi 4/7 4:47 PM  
Unless you have a mask that can properly fit to your face with facial hair...



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**Mill Group Chat** | You, Brian, Don, +8

**JM** Jessie Molesi 4/7 4:46 PM  
Mustaches are fine...

**Mill Group Chat** | You, Brian, Don, +8

**JM** Jessie Molesi 4/7 4:45 PM  
Everyone make sure to shave over the weekend so i can do a fit test Monday morning. Rob will send you over one at a time so not to interfere with production.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 4/7 4:34 PM  
I picked these off of the pick belt before they went into the pulverizer. Whoever is tasked to operate the crusher please keep an eye out for big flint rocks. As you can see from the size of these they originally came from a bigger piece before it went through the crusher. Flint rocks this size can really reek havoc on...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 4/7 4:09 PM  
(<https://us-api.asm.skype.com/v1/objects/0-cus-d7-05e1f32fbc4597e92bd1b38efa69c9f2/views/imgo>)

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 4/7 3:32 PM  
Here are a few examples. Before we go home today everyone needs to scour the **mill** and pick up the trash please. I appreciate y'all's hard work and I enjoy providing soda every now and then but we gotta keep the trash picked up. Thanks.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 4/7 3:29 PM  
(<https://us-api.asm.skype.com/v1/objects/0-cus-d20-8b0d2d0dfbeeb81506a886dc34cc97e6/views/imgo>)  
(<https://us-api.asm.skype.com/v1/objects/0-cus-d7-c346b317fdd8dcf650c18269978b390c/views/imgo>)  
(<https://us-api.asm.skype.com/v1/objects/0-cus-d9-b62dc5b33792a049ae6d2466e7a0a153/views/imgo>)...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 4/7 2:56 PM  
Good point of reference to really watch while crushing...

**Mill Group Chat** | You, Brian, Don, +8

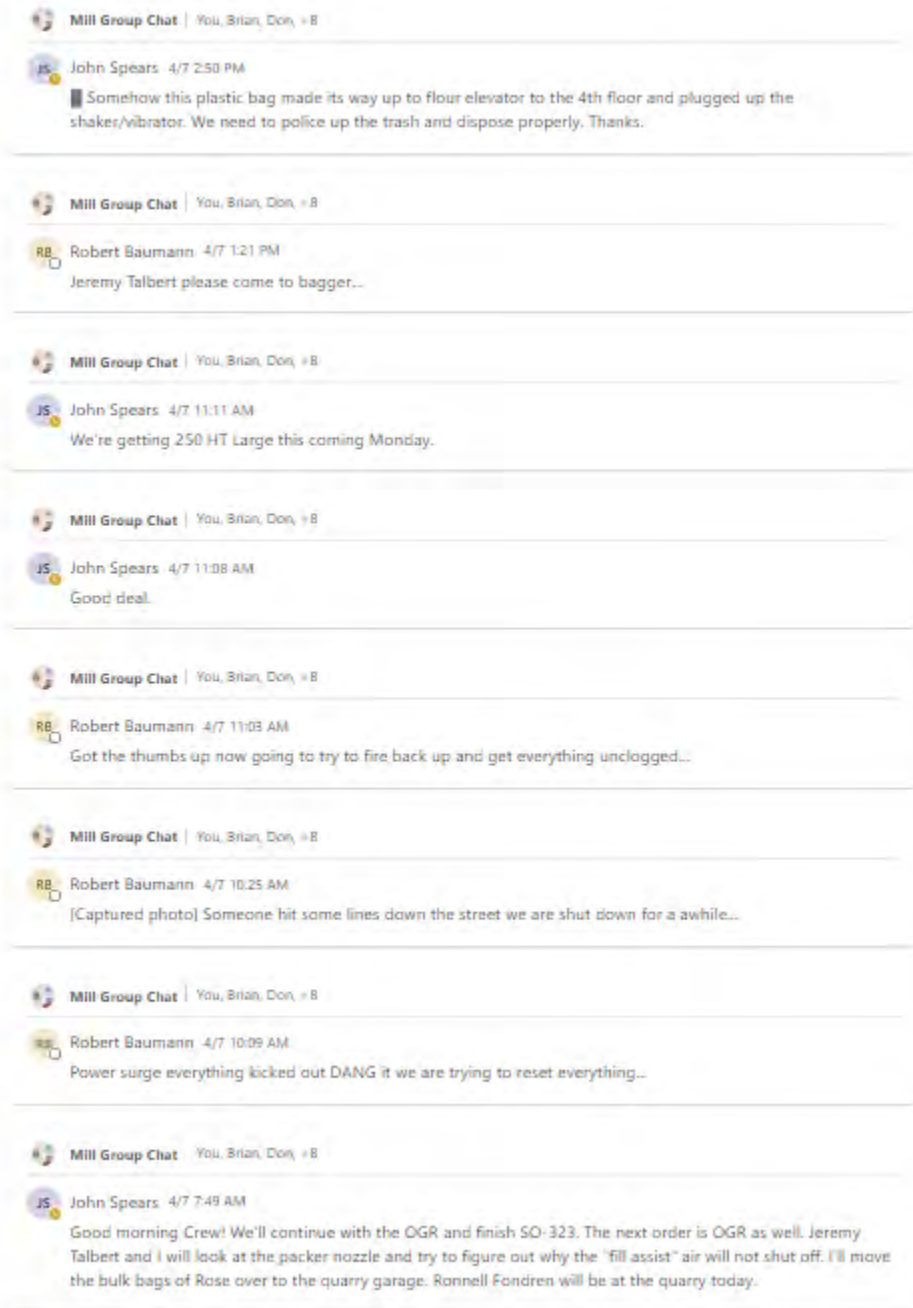
**JS** John Spears 4/7 2:50 PM  
(<https://us-api.asm.skype.com/v1/objects/0-cus-d8-ddbd64d738321005644b8ce888cf62a/views/imgo>)

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**Mill Group Chat** | You, Brian, Don, +8

RJ Williams 4/6 4:51 PM  
SQ-594 has been shipped...

**Mill Group Chat** | You, Brian, Don, +8

RJ Williams 4/6 4:51 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d7-6e762a3109a4d16979f1f4377ac9144f/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d8-4f9b14a347f18176af200d3c9347c10d/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-e3f770ccc421b3f9406d1074ca3d4c03/views/imgo]...

**Mill Group Chat** | You, Brian, Don, +8

RF Ronnell Fondren 4/6 1:16 PM  
Robert Baumann Ronnell Fondren everything is still running we can't just walk off of especially this "crushing" I didn't just walk off, I was told it was break and that the tank light was on n it needed to fill up n that whoever was feeding stopped. So when every disbursed I started the crusher up. So no I just don't...

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 4/6 1:13 PM  
Ronnell Fondren everything is still running we can't just walk off of especially this "crushing"

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/6 1:12 PM  
Since we're trying to establish a culture of safety, we need to know were everyone is incase someone needs help. Personal initiative is great but we need to communicate with the chain of command for safety first.

**Mill Group Chat** | You, Brian, Don, +8

RF Ronnell Fondren 4/6 1:11 PM  
Robert Baumann Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments Why is it that when I take initiative there's always this and that, when no one else has been on top of it but "ME", but it's whatev..

**Mill Group Chat** | You, Brian, Don, +8

RF Ronnell Fondren 4/6 1:09 PM  
Mmmmmmk...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/6 1:08 PM  
Very good.

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**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 4/6 1:08 PM  
Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/6 1:07 PM  
Ronnell Fondren thank you but you need to communicate with Robert Baumann before you move to another area.

**Mill Group Chat** | You, Brian, Don, +8

Ronnell Fondren 4/6 1:05 PM  
Robert Baumann Yep I am planning on Jim crushing this AF Gotcha, well I already started it when everyone took break...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/6 1:04 PM  
Very good.

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 4/6 1:04 PM  
Yep I am planning on Jim crushing this AF...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/6 1:02 PM  
The primary rose tank is a little below half when I checked at 1030am today. Auxiliary tank is full.

**Mill Group Chat** | You, Brian, Don, +8

Ronnell Fondren 4/6 1:00 PM  
Robert Baumann someone needs to check and make sure the primary tank isn't low, and if it is then, rock will need to be sent up. Please n thank u...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/5 10:41 AM  
We'll have it ready in 30 minutes.

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**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/5 10:41 AM  
Very good. Thank you.

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 4/5 10:41 AM  
Yes. I deleted ours...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/5 10:40 AM  
Julie Ann Cureg we're using Primo's BOL only and not one of ours. Correct?

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 4/5 10:29 AM  
Alex Snodgrass John Spears I just added the Bag Label and BOL. Ready for printing.

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 4/5 10:26 AM  
It's Primo. I added it to the Prod Calendar...

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 4/5 10:23 AM  
Julie Ann Cureg Who is the trucking company, so we know who to look for?

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 4/5 10:14 AM  
Good morning Alex Snodgrass John Spears just a heads up. SO-594 will be picked up today. They didn't give a specific pick-up time but per carrier, it should be noon. Just waiting for the BOL from the carrier to send it back to us they are just doing a quick revision.

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 4/5 8:31 AM  
That's nice lol thanks sir...



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**Mill Group Chat** | You, Brian, Don, +8

Ronnell Fondren 4/5 8:10 AM  
2 loads of rock is being brought down from the dry sheds...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/4 6:10 PM  
Good job today everyone. I realize we were a man short but y'all stepped up and we had a good day. We'll continue with OGR for our next order. Then we have a couple of cream orders. I drove everyone of the forklifts today. Did an exam on each. Hope you all are doing the same. If you see a potential problem, let Rob...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/4 9:10 AM  
Taking Ronnell to quarry.

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/4 8:15 AM  
Everyone done very well yesterday. Let's keep this going. Keep an eye out for hazards. Let's keep up with the safety exams.

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 4/3 11:49 PM  
Everyone be weather wise tomorrow... [image/jpeg]

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/3 9:05 AM  
I'm in the mill.

**Mill Group Chat** | You, Brian, Don, +8

John Spears 4/3 8:08 AM  
Good morning Crew! Let's continue with SO-316. We're about to finish the OGR for this order. Be sure to check in with your Safety exams.

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/31 5:01 PM  
[Happy Birthday Smile GIF by Travis Foster (GIF image)]

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**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/31 5:00 PM

Cake and ice cream in the break room for Patrick's birthday.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/31 1:40 PM

Ronnell Fondren please see Rob. Crushing is not needed at this moment. Thanks. I understand. You need to communicate your intentions with Rob before moving to another task/job area. He may have a different assignment for you.

**Mill Group Chat** | You, Brian, Don, +8

JT Jeremy Talbert 3/31 12:55 PM

Might be a thought before having to buy these expensive respirators just to see if improved any...

**Mill Group Chat** | You, Brian, Don, +8

JM Jessie Molesi 3/31 12:54 PM

No the air has not been rechecked yet...

**Mill Group Chat** | You, Brian, Don, +8

JT Jeremy Talbert 3/31 12:54 PM

Its not near as dusty as was a week ago...

**Mill Group Chat** | You, Brian, Don, +8

JT Jeremy Talbert 3/31 12:53 PM

Did they recheck air since we have gotten air system running better...

**Mill Group Chat** | You, Brian, Don, +8

JM Jessie Molesi 3/31 12:53 PM

Ronnell Fondren I have an N95 mask I can bring to you...

**Mill Group Chat** | You, Brian, Don, +8

JM Jessie Molesi 3/31 12:52 PM

Everyone make sure to have all the doors and windows open anytime the mill is operating AND have all the exhaust fans on.

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/31 10:27 AM  
Yes...

Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/31 10:26 AM  
Do we have any more safety mask, the one I have is no good...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/31 10:09 AM  
Robert Baumann Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft Put some yellow caution tape up around the Conduit until it can be repaired. So no one steps on it or around it. Thanks guys Ryan Closser Jeremy Talbert...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/31 10:06 AM  
Hmm...

Mill Group Chat | You, Brian, Don, +8

AS Alex Snodgrass 3/31 10:05 AM  
Julie Ann Cureg sorry for the late confirmation, SO-580 is ready to go...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 3/31 10:03 AM  
[Captured photo] [Captured photo] Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/31 9:48 AM  
Incase you all need a frame of reference.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/31 9:48 AM  
[Media]



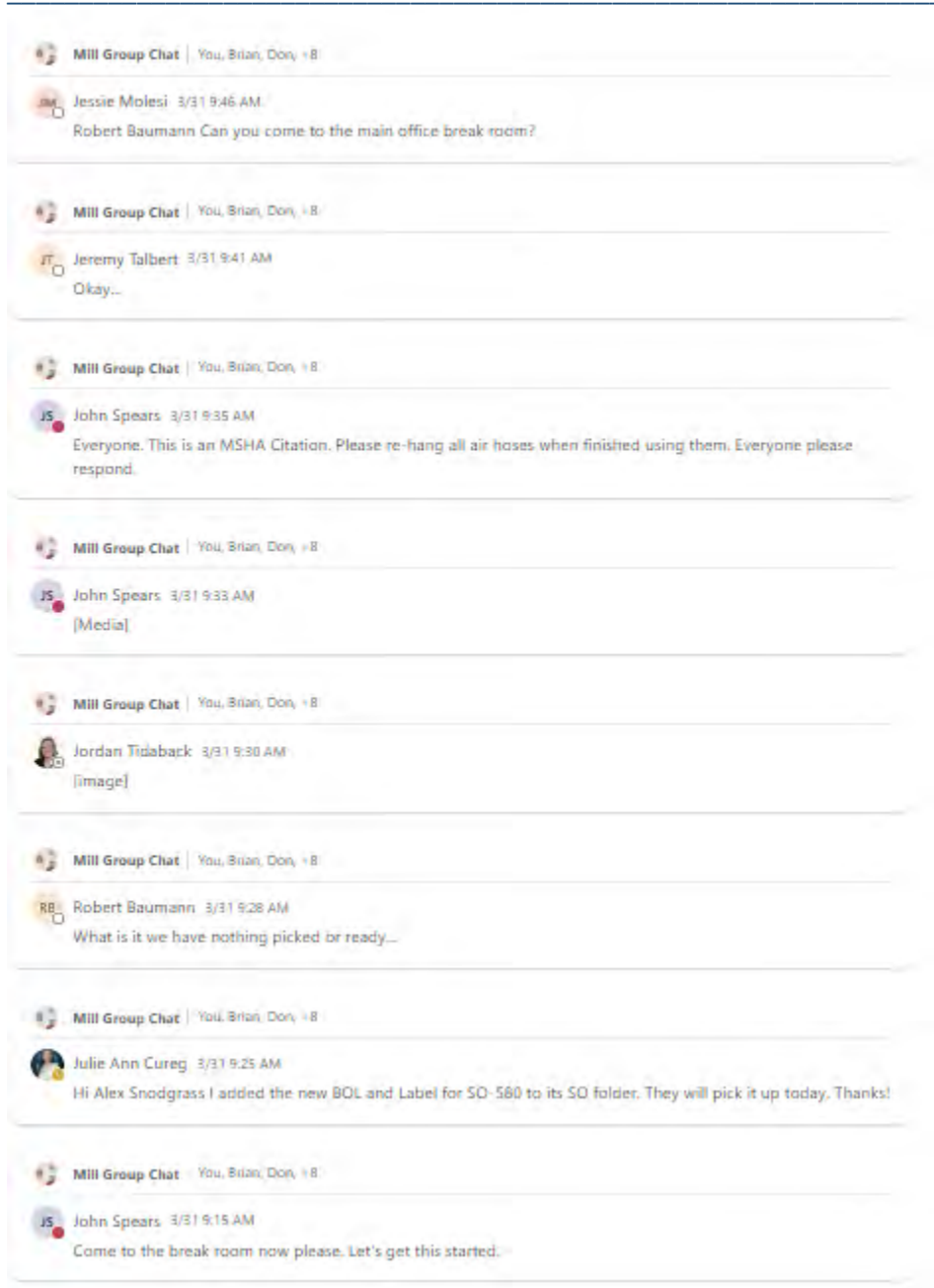
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**Mill Group Chat** | You, Brian, Don, +8

Alex Snodgrass 3/31 9:12 AM  
Be there shortly...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/31 9:12 AM  
Safety meeting in the break room. Please respond.

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/31 9:06 AM  
Everyone Please come to the break room for a quick safety meeting.

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/31 8:58 AM  
Everyone come to the break room for a quick safety meeting. Please...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/31 7:15 AM  
Well thanks Jim. And thank you Julie as well..

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 3/31 6:52 AM  
Happy Birthday Pat 🎉🎂🍰...

**Mill Group Chat** | You, Brian, Don, +8

Jim Hoover 3/31 6:51 AM  
Happy Birthday Patrick Lewis 21 Years old today or something like that .

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/30 5:20 PM  
preventive maintenance prevents breakdowns. It goes the same with the body. Same principle when it comes to start up and shut down procedures.. if not followed, things get missed and over looked. Make sure you guys perform stretching exercises every morning and evening. As the temperatures start to change, so does...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/30 5:17 PM  
yep, the body is a machine. You dont take care if it and it will break down quicker than it should.

**Mill Group Chat** | You, Brian, Don, +8

**RF** **Ronnell Fondren** 3/30 5:16 PM  
Jessie Molesi Thank you that is a great idea will help with stretching some unused muscles preventing injuries  
Yes sir, I remember doing pt @ 4am when I was in rotc...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/30 5:15 PM  
I agree. Everyone should show up 15-20-30 minutes before 8am to do their stretching and get ready for the day.

**Mill Group Chat** | You, Brian, Don, +8

**JM** **Jessie Molesi** 3/30 5:15 PM  
Thank you that is a great idea will help with stretching some unused muscles preventing injuries.

**Mill Group Chat** | You, Brian, Don, +8

**RF** **Ronnell Fondren** 3/30 5:13 PM  
Before start up we all need to do stretching exercises for 15 minutes. It's a good practice...

**Mill Group Chat** | You, Brian, Don, +8

**JS** **John Spears** 3/30 5:01 PM  
Ryan Closser did you get this?

**Mill Group Chat** | You, Brian, Don, +8

**JM** **Jessie Molesi** 3/30 4:56 PM  
[https://arlweb.msha.gov/safetypro\\_in\\_a\\_box/IG%2043%20OJT%20training%20modules%20surface%20MNM/Module%2016%20Manual%20handling%20of%20materials.PDF](https://arlweb.msha.gov/safetypro_in_a_box/IG%2043%20OJT%20training%20modules%20surface%20MNM/Module%2016%20Manual%20handling%20of%20materials.PDF) Everybody Make sure to read over this document it has good information on how to manually handle materials.

**Mill Group Chat** | You, Brian, Don, +8

**JM** **Jessie Molesi** 3/30 2:57 PM  
Thank you to everybody for staying current with our forklift inspections and workplace exams.

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**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/30 2:09 PM  
Very good.

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/30 1:54 PM  
[Captured photo] Probably not the best fix but lil Mac is functioning now and must have been completely full thankfully the wind is cooperating and trying to get it cleared out but now it's pulling the dust from the shaker now. Thank you Jim Hoover and a .60 cent bolt...

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/30 1:04 PM  
Yes pipes are clear no exhaust pulling from lil Mac...

**Mill Group Chat** | You, Brian, Don, +8

JT Jeremy Talbert 3/30 12:59 PM  
I cleaned it already...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/30 12:58 PM  
Ok. The trash drain tube may be clogged again.

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/30 12:51 PM  
[Captured photo] [Captured photo] Fixing to shut down and check the screens. System is backing up...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/30 12:49 PM  
Jessie and I are headed to the quarry and drying sheds for fire Extinguisher checks.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/29 6:14 PM  
Gwen Magayanes Jalosjos Happy birthday John Spears 🎂 Thank you very much.

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**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 3/29 6:09 PM  
Jeremy Talbert Rob before you start anything in am can you do a smell check for gas just to double check i didnt snell anything why i left For sure I appreciate you getting that fixed...

**Mill Group Chat** | You, Brian, Don, +8

Gwen Magayanes Jalosjos 3/29 6:08 PM  
Happy birthday John Spears (Happy Birthday GIF by Publix)

**Mill Group Chat** | You, Brian, Don, +8

Jeremy Talbert 3/29 6:07 PM  
Rob before you start anything in am can you do a smell check for gas just to double check i didnt snell anything why i left...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/29 6:04 PM  
Thanks man! I appreciate ya!

**Mill Group Chat** | You, Brian, Don, +8

RJ Williams 3/29 6:04 PM  
Happy Birthday John 🎂

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/29 6:03 PM  
Robert Baumann thank you very much.

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 3/29 6:02 PM  
Happy birthday 🎂. Reminder guys we are charging the tube **Mill** and sealing up the elevator first thing in the morning. Thank you guys for all the hard work even you Patrick Lewis Jim Hoover 🙏

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/29 5:57 PM  
[Celebrate Happy Birthday GIF by Dyanapyehchek (GIF Image)]



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Mill Group Chat | You, Brian, Don, + 8

JS John Spears 3/29 4:59 PM

Robert Baumann Ronnell Fondren Jim Hoover Patrick Lewis RJ Williams Jeremy Talbert Alex Snodgrass Jessie Molesii Jessie and Alex were really nice and got me a cake for my birthday so I got some ice cream to go with it. Ice cream and cake in the break room.

Mill Group Chat | You, Brian, Don, + 8

JS John Spears 3/29 10:31 AM

Russell Tidaback Thanks John Spears Yes sir. 10 pounds of gas pressure will rear its ugly head.

Mill Group Chat | You, Brian, Don, + 8

Russell Tidaback (You) 3/29 10:30 AM

Thanks John Spears...

Mill Group Chat | You, Brian, Don, + 8

JS John Spears 3/29 10:27 AM

Jeremy and I are working together on the gas line.

Mill Group Chat | You, Brian, Don, + 8

RF Ronnell Fondren 3/29 10:26 AM

Maintenance guy said it was leaking at this joint to...

Mill Group Chat | You, Brian, Don, + 8

RF Ronnell Fondren 3/29 10:26 AM

[Media]

Mill Group Chat | You, Brian, Don, + 8

Russell Tidaback (You) 3/29 10:26 AM

Ronnell Fondren It would be best for you to tag your direct supervisor Robert Baumann, or the maintenance person Jeremy Talbert, or even John Spears regarding issues like this.

Mill Group Chat | You, Brian, Don, + 8

RF Ronnell Fondren 3/29 10:21 AM

Needs fixed and double checked to make sure no lines or joints are leaking down there thank you...

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**Mill Group Chat** | You, Brian, Don, & B

Ronnell Fondren 3/29 10:20 AM  
20230329\_085038.jpg20230329\_085052.jpg

**Mill Group Chat** | You, Brian, Don, & B

RB Robert Baumann 3/29 9:35 AM  
[Media] [Media]

**Mill Group Chat** | You, Brian, Don, & B

RB Robert Baumann 3/29 9:34 AM  
John Spears can we see about getting a new bearing for the scroll on the bottom of the green monster this one is almost to the point of not functioning and tearing up other things than the bearing...

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears 3/28 5:40 PM  
Good job today fellas. We'll continue with SO-316. We need to weigh each pallet and write the pounds on each pallet and a piece of paper.

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears 3/28 10:05 AM  
GOOD NEWS!!! NO 10-HIGH STACKING. WOO HOO!!!

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears 3/28 9:43 AM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d7-849bdf82f0c51e22c7b0324e6eccd3ee/views/imgo]

**Mill Group Chat** | You, Brian, Don, & B

Ronnell Fondren 3/28 9:31 AM  
John Spears We'll be able to stack seven high then move to an elevated transfer location. Does this elevated platform have 3 points of contact? And even if so you still can't safely carry 100lbs up the platform without having 3 points of contact...

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears 3/28 9:29 AM  
Ronnell Fondren How are we stacking the pallets that are 10' high? We'll be able to stack seven high then move to an elevated transfer location.

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Mill Group Chat | You, Brian, Don, & B

Ronnell Fondren 3/28 8:46 AM

How are we stacking the pallets that are 10 high?

Mill Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/24 5:32 PM

Ah, okay. Now that makes sense. Thanks Rob.

Mill Group Chat | You, Brian, Don, & B

Robert Baumann 3/24 5:31 PM

No we didn't fix it was going to ask John's opinion on how to deal with the issue...

Mill Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/24 5:29 PM

Okay. Do you mean you fixed the leak or turned off the valve to the machine, so now no air is getting to the machine. I'm not sure what isolated means in your message.

Mill Group Chat | You, Brian, Don, & B

Robert Baumann 3/24 5:27 PM

Well air is just pouring past the valves straight out the stack...

Mill Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/24 5:26 PM

What do you mean by isolated?

Mill Group Chat | You, Brian, Don, & B

Robert Baumann 3/24 5:20 PM

[Captured photo] Isolated a major air problem on bottom left air solenoids on 3 Mac...

Mill Group Chat | You, Brian, Don, & B

Robert Baumann 3/24 5:19 PM

[Captured photo] [Captured photo] So the double ground screens are beyond patching got one set left and prepared for installation first thing Monday...

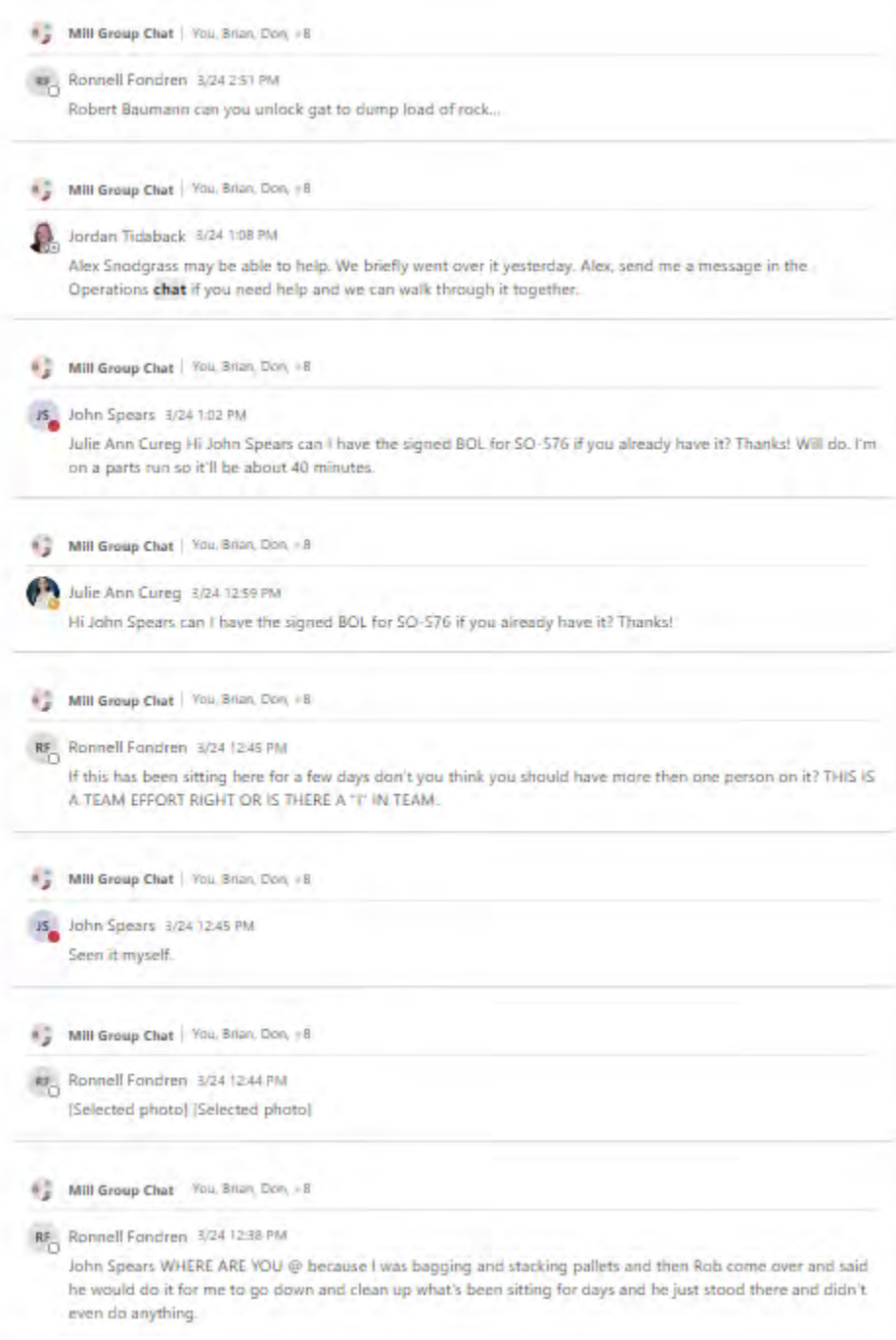


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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/23 10:40 AM

Russell Tidaback John Spears Jeremy Talbert I think I noticed one the last time I was there on the shelving in the maintenance area. Good or bad... no idea, just an fyi. We'll look for it.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:39 AM

John Spears Jeremy Talbert I think I noticed one the last time I was there on the shelving in the maintenance area. Good or bad... no idea, just an fyi.

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:37 AM

Both "spares" on the packer system are set up different and have different specs...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:36 AM

[Media] [Media]

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:27 AM

Especially from an OSHA/MSHA perspective. Thanks guys!

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:16 AM

Even in-between dumping we should keep it shut for liability purposes I will help keep an eye on it it's my responsibility to make sure it's locked and shut at start up and shut down...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/23 10:14 AM

Robert Baumann Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren It's open because we was going to dump another load, if you got around to crushing the rock. But I'll let Max know...mmk...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:10 AM

[Captured photo] Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:05 AM  
perfect!

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/23 10:04 AM  
Russell Tidaback: "whole top of the regulator on fourth floor was blown out we desperately need one"... pic? And John Spears can we take the one off the #2 bagger and replace this one on the fourth floor? Jeremy and I will get those switched.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:03 AM  
Robert Baumann Thanks and yep, everywhere we hear air leaking is money being wasted. Just like a dripping water faucet. We need to address the leaks. If I remember correctly, Jim was tasked to create a list of everywhere he found an air leak. Did this ever get completed?

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:00 AM  
I believe the regulator on the unused bagger and the one on the 4th floor vacuum pressure compressor are the same blade regulator.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 9:59 AM  
John Spears can we take the one off the #2 bagger and replace this one on the fourth floor?

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 9:50 AM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] Got these leaks slowed down and gained 4 psi but the whole top of the regulator on fourth floor was blown out we desperately need one it's pouring out air way worse than it was Pat and I got the top back on but it's leaking really bad...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 8:57 AM  
Awesome, Rob, thanks. FYI all, we have three new team members joining us today. Jeremy - Maintenance, Jessie - Safety, and Alex - Production coordinator. It will take some time this morning to get these guys set up, but you will start seeing them today. We need to finish SO-304 from yesterday and start on SO-316. 316...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 8:43 AM  
I'm trying to figure out the air pressure issues now RJ Williams Jim Hoover replace the g-40 bearing and we will repair the screen tomorrow evening so it can dry all weekend and look into finished product filters. Patrick Lewis please lubricate first thing while system is heating up...



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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 7:37 AM  
That should be a cue Patrick Lewis that there is so much more to learn about the **mill**. The issues Jim brought up 1. G40 scroll bearing. 2. Dust on the 4th floor 3. Sock filters 4. Screens 5. 4th floor horizontal scroll 6. Bulk feed scroll 7. Little Mac air flow 8. Air compressor Air pressure 9. Dusty in **mill** All of...

**Mill Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 3/23 12:26 AM  
What huuhuhuhuhuhhu beavis...

**Mill Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 3/23 12:26 AM  
Uhhhhhh...

**Mill Group Chat** | You, Brian, Don, +8

**JH** Jim Hoover 3/23 12:19 AM  
Bearing on G40 return very end on north side has been out for awhile the hanger bearing right by that needs TLC in morning the dust problem on the fourth floor needs addressed asap one of the issues is one or more of the 30 socks has a hole or the cage is crushed letting material flow thru, the screens need looked at...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/21 4:31 PM  
Thanks...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/21 4:31 PM  
Coming out of both and the vacuum system upstairs is making an odd noise John Spears...

**Mill Group Chat** | You, Brian, Don, +8

**RJ Williams** 3/21 4:29 PM  
We definitely need at least one or 2 more **mill** associates, between bagging and getting the pallets put to the side to start another is very challenging rn and me and pat are burnt out...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/21 4:07 PM  
Russell Tidaback Probably low vacuum pressure. tube clogged or loose filter. Actually it is coming out of the Donaldson exhaust. May have a compromised filter.

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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/21 4:05 PM

Probably low vacuum pressure. tube clogged or loose filter.

Mill Group Chat | You, Brian, Don, +8

JH\_ Jim Hoover 3/21 4:04 PM

Wonder why? Plus can see back room from the palletizer wonder why? Anyone know why? Just wondering...

Mill Group Chat | You, Brian, Don, +8

JH\_ Jim Hoover 3/21 3:59 PM

Hey everyone we have product blowing out finish good classifier...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/21 3:40 PM

at least what I see when im there, always waiting on the bin light being on.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/21 3:39 PM

I would think we were slow due to the machinery, not due to the people.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/21 3:39 PM

If we do 1 bag per minute, switching out every 5 minutes...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/21 3:38 PM

Robert Baumann Problem is we don't really have the people to do that we are running half throttle now How many people do you think are needed? Robert Baumann...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/21 3:38 PM

The problem that I have seen is, during the startup and shutdown, many think this is goof off time instead of getting things ready for production today (startup) or getting things closed out for the day (shutdown). Its the mgmt teams responsibility to ensure everything gets done. Task out, verify when complete.

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- Mill Group Chat** | You, Brian, Don, & B
- Russell Tidaback (You)** 3/21 3:35 PM  
Yep, if we follow the guidance given, 1hr startup, 6 hours of producing, 1hr shutdown. Thats 8 hrs a day.
- Mill Group Chat** | You, Brian, Don, & B
- JS** John Spears 3/21 3:34 PM  
I understand, 330pm still gives us an hour to clear the machinery.
- Mill Group Chat** | You, Brian, Don, & B
- Russell Tidaback (You)** 3/21 3:33 PM  
? Jim, Patrick, and RJ.
- Mill Group Chat** | You, Brian, Don, & B
- RB** Robert Baumann 3/21 3:52 PM  
Russell Tidaback And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Problem is we don't really have the people to do that we are running half throttle now...
- Mill Group Chat** | You, Brian, Don, & B
- JS** John Spears 3/21 1:53 PM  
Russell Tidaback And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Yep, I've been helping as well.
- Mill Group Chat** | You, Brian, Don, & B
- Russell Tidaback (You)** 3/21 12:48 PM  
And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person load the bag, two people stacking. Rotate one stacking to loading the bag, etc. I'm sure this is what you guys are...
- Mill Group Chat** | You, Brian, Don, & B
- Russell Tidaback (You)** 3/21 12:36 PM  
Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf Robert Baumann Make sure the guys are using the proper...
- Mill Group Chat** | You, Brian, Don, & B
- Russell Tidaback (You)** 3/21 12:18 PM  
OSHA reg is 6 feet... and a 100# "10-high" is 61.5" tall and a 50# "10-high" is 60" tall...

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
**Mill Group Chat** | You, Brian, Doris, & B

**Russell Tidaback (You)** 3/21 12:07 PM  
Also, ask the MSHA inspector for the MSHA reference as to how high a pallet can be stacked. We are not finding the reference.

**Mill Group Chat** | You, Brian, Doris, & B

**Robert Baumann** 3/21 12:07 PM  
Russell Tidaback The DGR part of SO-304 is also 5-highs.  Totally looked at it wrong our bad.


**Mill Group Chat** | You, Brian, Doris, & B

**Russell Tidaback (You)** 3/21 12:02 PM  
The DGR part of SO-304 is also 5-highs. 

**Mill Group Chat** | You, Brian, Doris, & B

**John Spears** 3/21 11:48 AM  
Ok. That "10" confused Rob and I. Thank you.

**Mill Group Chat** | You, Brian, Doris, & B

**Jordan Tidaback** 3/21 11:46 AM  
They're both 5 highs 

**Mill Group Chat** | You, Brian, Doris, & B

**John Spears** 3/21 11:44 AM  
The SO-304 list as a 10 layer.

**Mill Group Chat** | You, Brian, Doris, & B

**Jordan Tidaback** 3/21 11:43 AM  
Which order are we working on? I thought RepTec was a 5-high?

**Mill Group Chat** | You, Brian, Doris, & B

**John Spears** 3/21 11:42 AM  
Ok.



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**Mill Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/21 11:41 AM

John Spears Russell Tidaback Jim Hoover Patrick Lewis Jordan Tidaback RJ . Ok so msha seen the 10 stacking and said absolutely no so we will move to next order continuing 5 high unless Russell Tidaback has a better option they stated without a platform nothing over waist high...

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/21 8:40 AM

Ok good cuz I don't remember being serious either...

**Mill Group Chat** | You, Brian, Don, & B

**Ronnell Fondren** 3/21 8:39 AM

Patrick Lewis Did I say something funny? or are you laughing at me? Because I don't remember clowning. I would never laugh at u...

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/21 8:38 AM

Robert Baumann Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp Yes sir...

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/21 8:38 AM

Ronnell Fondren Lol Did I say something funny? or are you laughing at me? Because I don't remember clowning.

**Mill Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/21 8:34 AM

Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp...

**Mill Group Chat** | You, Brian, Don, & B

**Ronnell Fondren** 3/21 8:31 AM

Patrick Lewis Reckon I'll stay home and study then. Darn the luck Lol...

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/21 8:31 AM

Reckon I'll stay home and study then. Darn the luck...

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**Mill Group Chat** | You, Brian, Don, + 8

**RF** Ronnell Fondren 3/21 8:28 AM  
No wrong answer...

**Mill Group Chat** | You, Brian, Don, + 8

**PL** Patrick Lewis 3/21 8:28 AM  
The same 4 dudes digging the hole...

**Mill Group Chat** | You, Brian, Don, + 8

**RF** Ronnell Fondren 3/21 8:24 AM  
If it takes 4 men to dig a hole, how many men will it take to dig half a hole?

**Mill Group Chat** | You, Brian, Don, + 8

**RB** Robert Baumann 3/20 10:42 AM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-2908 Julie Ann Cureg 20 bags OGR...

**Mill Group Chat** | You, Brian, Don, + 8

**RF** Ronnell Fondren 3/20 8:12 AM

**Mill Group Chat** | You, Brian, Don, + 8

**JS** John Spears 3/20 8:08 AM  
Patrick Lewis Hey now we don't play about donuts now lol. Really?!?!

**Mill Group Chat** | You, Brian, Don, + 8

**PL** Patrick Lewis 3/20 8:05 AM  
Hey now we don't play about donuts now lol.

**Mill Group Chat** | You, Brian, Don, + 8

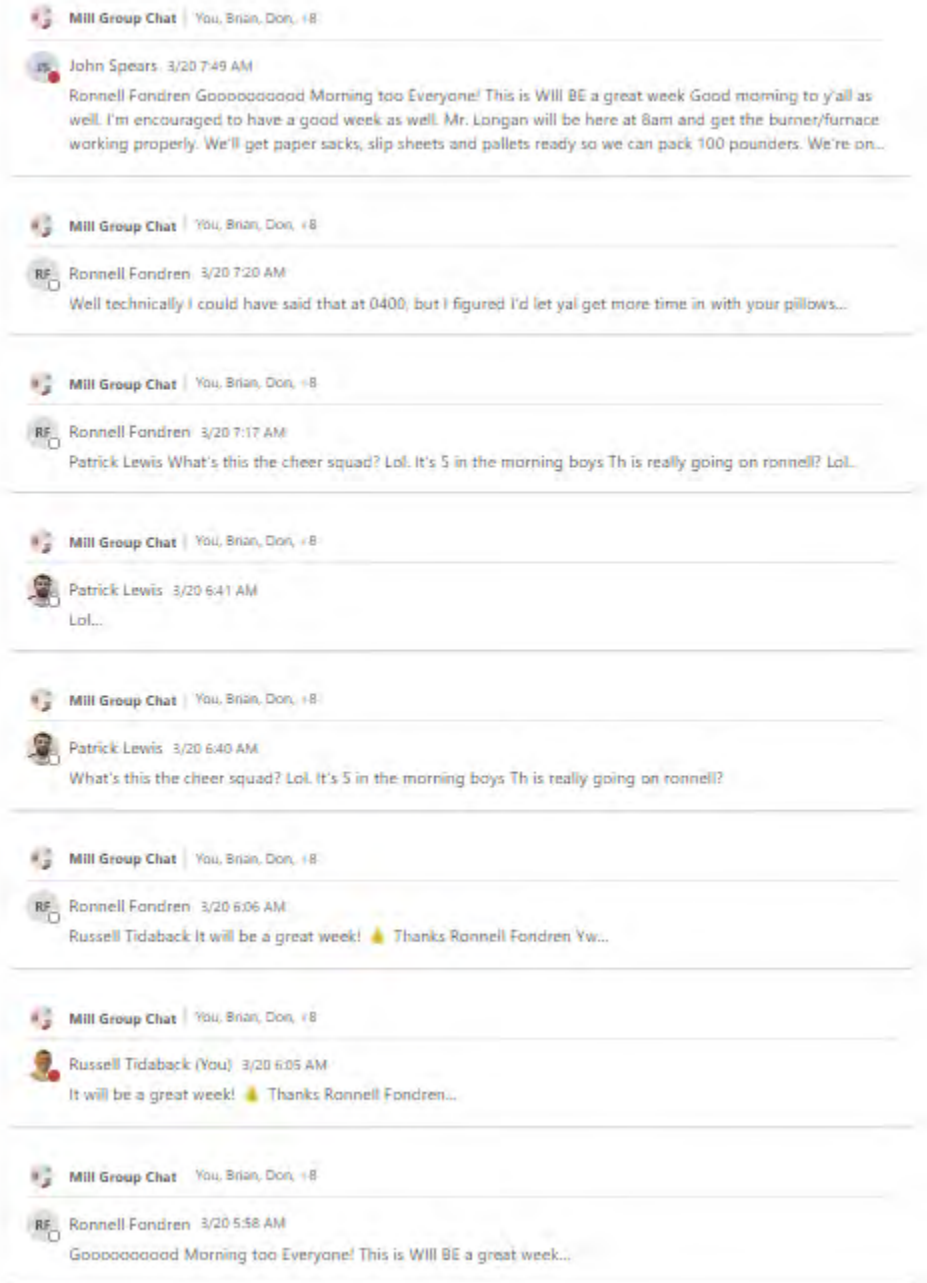
**RF** Ronnell Fondren 3/20 7:53 AM  
John Spears Good morning to y'all as well. I'm encouraged to have a good week as well. Mr. Longan will be here at 8am and get the burner/furnace working properly. We'll get paper sacks, slip sheets and pallets ready... John is bringing donuts this morning lol...

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**Mill Group Chat** | You, Brian, Don, & B

**JS** John Spears 3/17 9:57 AM  
Russell Tidaback John Spears May need to remove the flame rod, Jim will know, and clean it off with an emery cloth. It may have carbon build up on it, just enough to block the air flow sensed telling the sensor of "low... Is the flame rod different from the 5 volt sensor rods?

**Mill Group Chat** | You, Brian, Don, & B

**Russell Tidaback (You)** 3/17 9:30 AM  
Since the air temp is 42 degrees, just like a mechanical choke on an old car, the choke plates/vanes are probably closed.

**Mill Group Chat** | You, Brian, Don, & B

**Russell Tidaback (You)** 3/17 9:29 AM  
John Spears May need to remove the flame rod, Jim will know, and clean it off with an emery cloth. It may have carbon build up on it, just enough to block the air flow sensed telling the sensor of "low fire".

**Mill Group Chat** | You, Brian, Don, & B

**JS** John Spears 3/17 9:13 AM  
I figured as much with a cold morning. We'll keep trying.

**Mill Group Chat** | You, Brian, Don, & B

**RB** Robert Baumann 3/17 9:12 AM  
[Captured photo] I've reset and powered off everything multiple times John Spears...

**Mill Group Chat** | You, Brian, Don, & B

**RB** Robert Baumann 3/17 8:43 AM  
John Spears been trying to get the burner to light for awhile now keeps throwing a low fire alarm...

**Mill Group Chat** | You, Brian, Don, & B

**JS** John Spears 3/17 8:12 AM  
While the burner is warming up let's get the grease guns and get scroll bearings, classifier on the catwalk bearings, packer bearings. We're going to pack 100 pounders today. We need pallets and slip sheets.

**Mill Group Chat** | You, Brian, Don, & B

**JS** John Spears 3/16 3:48 PM  
Alright! Let's get this hammer **mill** back together.

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Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 3/16 1:31 PM  
Whoa big fellow, it surprisibgly gets easier the more you stack lol...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/16 1:29 PM  
Patrick Lewis I loaded a whole pallet of 100 pounders all by myself. Those electrician guys worked me like a rented mule.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 3/16 1:15 PM  
LoL...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 3/16 1:15 PM  
Then why is it not done yet sir?

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/16 1:13 PM  
Pretty sure I can fix.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 3/16 12:30 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] The plate than ran across the front of the hammer mill caught and tore up so the hammer mill is down...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/16 10:25 AM  
Robert Baumann John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off Ok. I'll look at it.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 3/16 10:23 AM  
John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off...

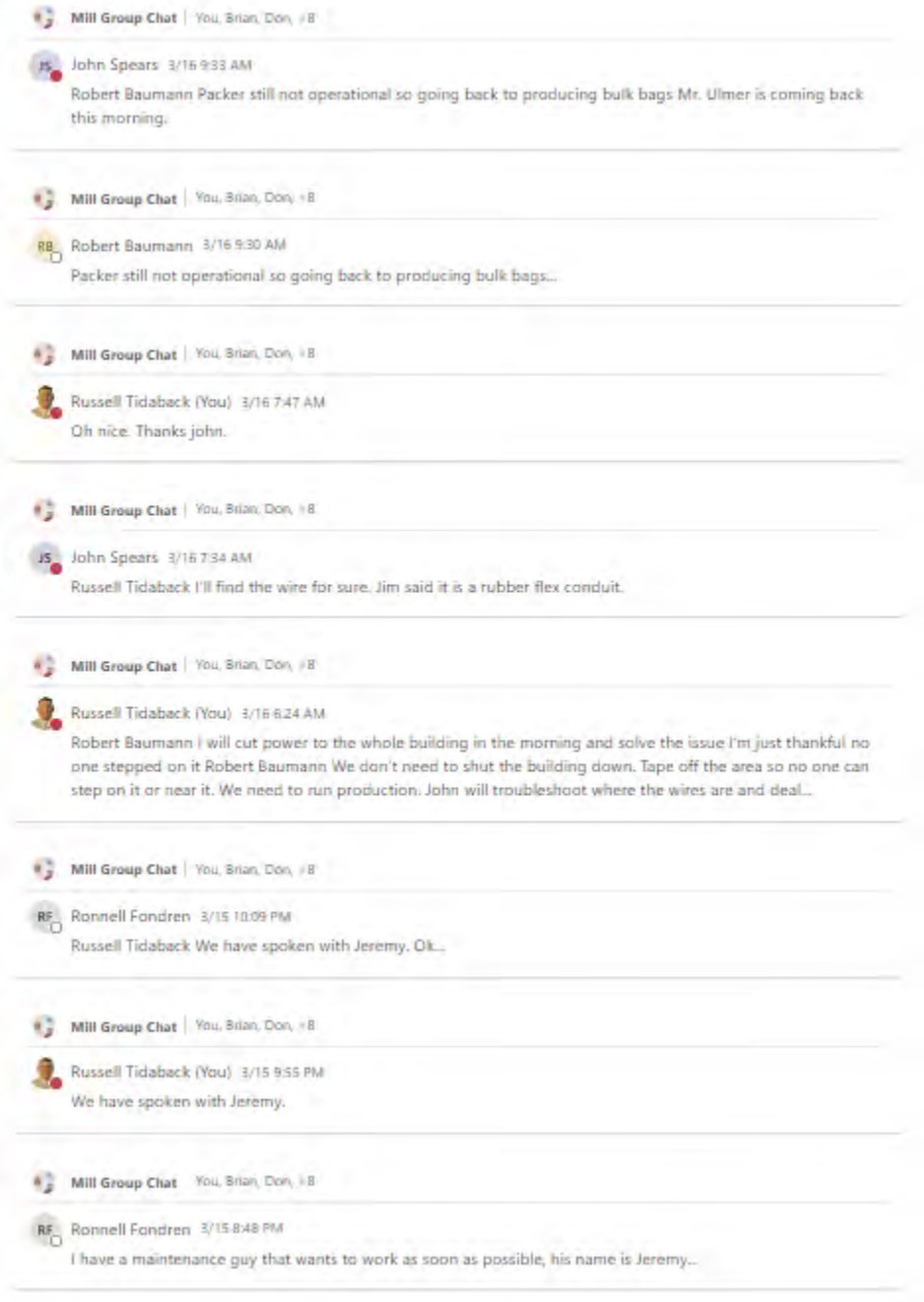


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Mill Group Chat | You, Brian, Don, & 8

Russell Tidaback (You) 3/15 5:47 PM

Yep, glad it was discovered and no one got hurt by it. find where the wires are, trace the wire run back to the breaker box, make sure the power is turned off, remove the wires and conduit. Not a big deal but still something someone should have done back when they cut the wires at the floor when they removed whatever...

Mill Group Chat | You, Brian, Don, & 8

Russell Tidaback (You) 3/15 5:42 PM

lol... that place is crazy!

Mill Group Chat | You, Brian, Don, & 8

JS John Spears 3/15 5:41 PM

That's what we'll do. I thought I'd seen all of the oddities here at the mill. We'll get it traced down. Glad it was discovered.

Mill Group Chat | You, Brian, Don, & 8

Russell Tidaback (You) 3/15 5:37 PM

go ahead and tape the area off to keep people from walking near it until we can find what circuit breaker its on.

Mill Group Chat | You, Brian, Don, & 8

Russell Tidaback (You) 3/15 5:36 PM

stepping on it with boots on wouldnt shock you... walking across barefoot... yes then it would.

Mill Group Chat | You, Brian, Don, & 8

RB Robert Baumann 3/15 5:35 PM

John Spears I wonder how long it's been like that? I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it...

Mill Group Chat | You, Brian, Don, & 8

Russell Tidaback (You) 3/15 5:35 PM

but yes, we need to find the breaker that controls those wires and if not used for anything else, lock it out until we can get the wires removed. In the meantime, do we have any rubberized dip like you dip your tool handle in to pour over the wires to protect from shocking anyone?

Mill Group Chat | You, Brian, Don, & 8

Russell Tidaback (You) 3/15 5:33 PM

Ask Jim if he knows if a machine was at that location during his employment. Is this area on your right as you are walking from the bagger stand to the control room? What would be on the first floor in that area? The tube mill gear box?

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Mill Group Chat | You, Brian, Doris, +8

JS John Spears: 3/15 5:29 PM

Robert Baumann Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off. I wonder how long it's been like that?

Mill Group Chat | You, Brian, Doris, +8

JS John Spears: 3/15 5:28 PM

Robert Baumann Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off. We'll have to find out where they're coming from.

Mill Group Chat | You, Brian, Doris, +8

JS John Spears: 3/15 5:27 PM

I'll be darn!

Mill Group Chat | You, Brian, Doris, +8

RB Robert Baumann: 3/15 5:07 PM

[Media]

Mill Group Chat | You, Brian, Doris, +8

RB Robert Baumann: 3/15 5:07 PM

[Captured photo] [Captured photo] Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off...

Mill Group Chat | You, Brian, Doris, +8

RB Robert Baumann: 3/15 4:03 PM

[Captured photo] [Captured photo] [Captured photo] SO-527 Julie Ann Cureg...

Mill Group Chat | You, Brian, Doris, +8

JS John Spears: 3/15 12:53 PM

Fantastic!

Mill Group Chat | You, Brian, Doris, +8

RB Robert Baumann: 3/15 12:42 PM

[Media]



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**Mill Group Chat** | You, Brian, Don, & 8

**Jordan Tidaback** 3/15 12:31 PM

Robert Baumann Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here Robert Baumann - i'm sure you've already taken care of it, but please just remember to loto the classifier elevator.

**Mill Group Chat** | You, Brian, Don, & 8

**JS** John Spears 3/15 12:04 PM

Ronnell Fondren Ok I'll get ahold of him now Thanks...

**Mill Group Chat** | You, Brian, Don, & 8

**RF** Ronnell Fondren 3/15 12:04 PM

Ok I'll get ahold of him now...

**Mill Group Chat** | You, Brian, Don, & 8

**JS** John Spears 3/15 12:04 PM

Ronnell Fondren Jim is loading rock today. Jim said if yall need him there to let him know We could use him.

**Mill Group Chat** | You, Brian, Don, & 8

**RF** Ronnell Fondren 3/15 12:08 PM

Jim is loading rock today. Jim said if yall need him there to let him know...

**Mill Group Chat** | You, Brian, Don, & 8

**RB** Robert Baumann 3/15 11:50 AM

Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here...

**Mill Group Chat** | You, Brian, Don, & 8

**JS** John Spears 3/15 10:55 AM

Robert Baumann John Spears snapped this collar Just like the old one.

**Mill Group Chat** | You, Brian, Don, & 8

**Russell Tidaback (You)** 3/15 10:53 AM

What in the world??? Is that from the Classifier Elevator?

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 **Mill Group Chat** | You, Brian, Don, + 8


 Robert Baumann 3/15 10:51 AM  
[Captured photo] [Captured photo] [Captured photo] John Spears snapped this collar...


 **Mill Group Chat** | You, Brian, Don, + 8


 JS John Spears 3/15 10:10 AM  
Patrick is in a harness and headed up the ladder.

 **Mill Group Chat** | You, Brian, Don, + 8

 RB Robert Baumann 3/15 9:32 AM  
Upon starting up the key has worked out of the driveshaft of the feed elevator...

 **Mill Group Chat** | You, Brian, Don, + 8

 Russell Tidaback (You) 3/14 1:57 PM  
SO-572 is taking 4 of the DGR bags. lets get those ready for shipment.


 **Mill Group Chat** | You, Brian, Don, + 8

 RB Robert Baumann 3/14 11:53 AM  
Russell Tidaback Robert Baumann John Spears Please confirm these are available and not assigned to any SO-###. We have 5 dgr and 0 ogr that are not assigned to orders we pulled the 10 bags for a order awhile back...

 **Mill Group Chat** | You, Brian, Don, + 8

 JS John Spears 3/14 11:40 AM  
We'll check.

 **Mill Group Chat** | You, Brian, Don, + 8

 JS John Spears 3/14 11:40 AM  
Got it.

 **Mill Group Chat** | You, Brian, Don, + 8

 Russell Tidaback (You) 3/14 11:39 AM  
Robert Baumann John Spears Please confirm these are available and not assigned to any SO-###. [image]

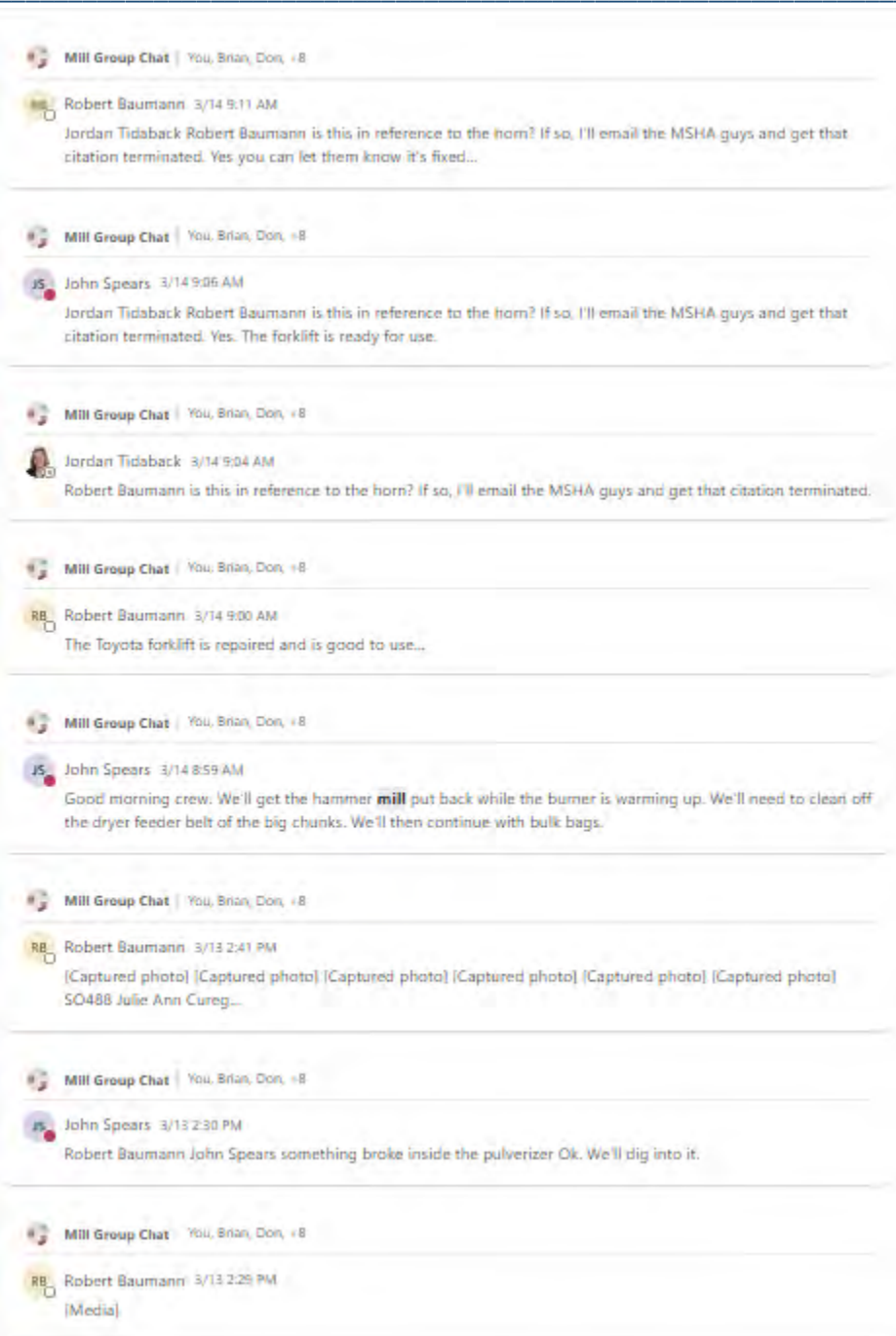
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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 3/13 2:29 PM  
John Spears something broke inside the pulverizer...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 3/13 2:28 PM  
[Media]

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 3/13 2:25 PM  
Russell Tidaback Jeff just hooked the motor back up and ever since we have been worrying about the excess dust. It might be that motor is pushing too much air volume through the system. It didn't help just going to shut down a lil early to go up and sweep the product that is built up causing the problem...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 3/13 1:56 PM  
Remember spray that container before it's loaded please and thank you...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 3/13 1:55 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-449 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Ronnell Fondren 3/13 1:53 PM  
K...

Mill Group Chat | You, Brian, Don, +8

John Spears 3/13 1:49 PM  
Ronnell Fondren meet Max at quarry garage across the street to be task trained on the Dressert loader. Please.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/13 1:16 PM  
Jeff just hooked the motor back up and ever since we have been worrying about the excess dust. It might be that motor is pushing too much air volume through the system.

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Mill Group Chat | You, Brian, Don, + 8

Russell Tidaback (You) 3/13 1:15 PM

From what I remember, Doug had that motor disconnected.

Mill Group Chat | You, Brian, Don, + 8

Russell Tidaback (You) 3/13 1:14 PM

The blower motor outside, by the roll up door by the ramp. I'm thinking the is giving us the excess dust. Ever since Jeff repaired that motor we've been dealing with excess dust. Robert Baumann turn that blower motor off and let's see if this solves any excess dust issue.

Mill Group Chat | You, Brian, Don, + 8

Ronnell Fondren 3/13 12:53 PM

Russell Tidaback Jordan Tidaback John Spears I have a guy that is needing work I've known him for 4 yrs and he is a very hard worker and always on time, he is a good fit maintenance and other tasks as well his name is Jeremy and he just put a resume on indeed and talked to John Spears this morning...

Mill Group Chat | You, Brian, Don, + 8

RJ Williams 3/13 12:51 PM

Here to pick up SO 488...

Mill Group Chat | You, Brian, Don, + 8

RJ Williams 3/13 12:50 PM

Got another truck here it's a container...

Mill Group Chat | You, Brian, Don, + 8

Jim Hoover 3/13 11:47 AM

Its leaving our property I could not even see thru it coming out green stack...

Mill Group Chat | You, Brian, Don, + 8

Russell Tidaback (You) 3/13 10:32 AM

Jim Hoover you mentioned changing the one or two puffing air... probably need to do this late the afternoon if possible.

Mill Group Chat | You, Brian, Don, + 8

Russell Tidaback (You) 3/13 10:31 AM

Yes, we are replacing the filters.



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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/13 10:31 AM  
We are grandfathered to allow so much... depending on weather, wind, etc. The biggest factor is that it dissipates before falling to the ground...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/13 10:29 AM  
They filters are dry rott. They need replaced..asap...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/13 10:29 AM  
[Selected photo]

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/13 10:29 AM

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/13 8:13 AM  
The electrician will be back Wednesday. We'll continue with bulk bags today. Be sure to get a grease gun on all high speed parts. I'll work on the upstairs.

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/10 2:36 PM  
Robert Baumann Also John Spears did we get the new bol for the pther part of SO 488 reprinted for 8 bulk bags I'll get that done. Thanks...

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/10 1:26 PM  
I brought beef stew for lunch.

**Mill Group Chat** | You, Brian, Don, +8

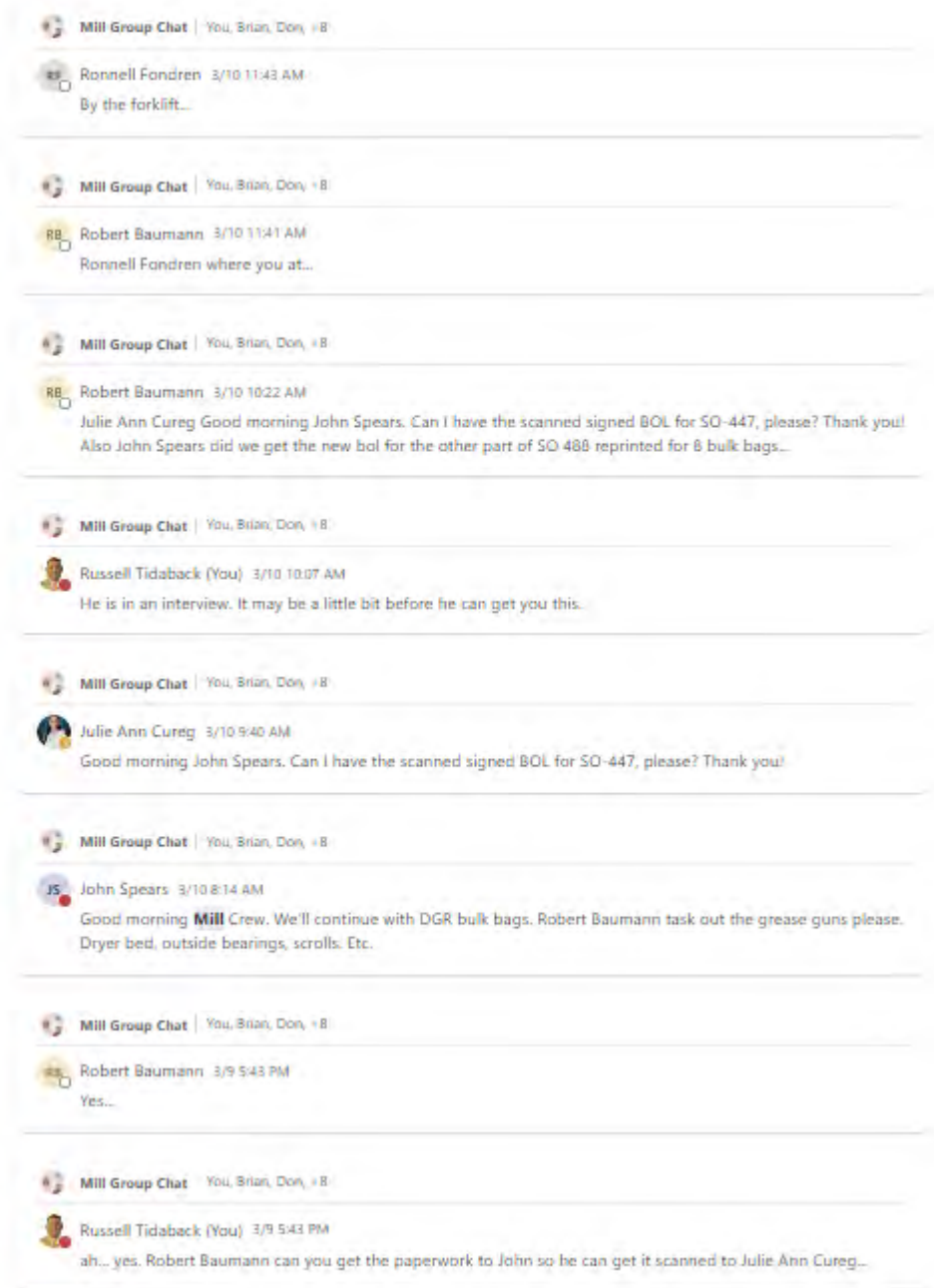
**Patrick Lewis** 3/10 1:19 PM  
Rob we're am I at? Lol...

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**Mill Group Chat** | You, Brian, Don, + 8

Julie Ann Cureg 3/9 5:42 PM  
Which is they usually do...

**Mill Group Chat** | You, Brian, Don, + 8

Julie Ann Cureg 3/9 5:42 PM  
No.. I mean the scanned signed BOL...

**Mill Group Chat** | You, Brian, Don, + 8

Russell Tidaback (You) 3/9 5:42 PM  
Do you mean, is the driver still at the **mill**? Julie Ann Cureg...

**Mill Group Chat** | You, Brian, Don, + 8

Julie Ann Cureg 3/9 5:41 PM  
Robert Baumann Sorry I didn't know Are you still at the **mill**? If so, I need the BOL signed by the driver so I can email it to the customer.

**Mill Group Chat** | You, Brian, Don, + 8

Russell Tidaback (You) 3/9 5:41 PM  
there's a lot of moving pieces to shipping, especially exports.

**Mill Group Chat** | You, Brian, Don, + 8

Russell Tidaback (You) 3/9 5:41 PM  
Nope, you are good. Robert Baumann The shipper specific BOLs are a pain to deal with. Julie Ann Cureg will make sure the right one is used moving forward.

**Mill Group Chat** | You, Brian, Don, + 8

Robert Baumann 3/9 5:39 PM  
Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Sorry I didn't know...

**Mill Group Chat** | You, Brian, Don, + 8

John Spears 3/9 5:33 PM  
Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Yes sir.



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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:33 PM

yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/9 5:31 PM

I sure will. I have wondered about the use of another company's BOL.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:26 PM

Guys, remember the BOLs are very important in shipping. It's the official transfer of ownership and liability for the product. When it comes to BOLs make sure these are correct! And remember Rob won't know if it's our BOL or shipper specific. He is only tasked to make sure "a" BOL is signed and pics are taken. We have to...

**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/9 5:23 PM

Russell Tidaback Julie Ann Cureg make sure we don't create two BOLs... okay 🙄 Doing so confuses the guys we they go to print the document. Ok. Sorry.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:22 PM

Julie Ann Cureg make sure we don't create two BOLs... okay 🙄 Doing so confuses the guys we they go to print the document.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:20 PM

John Spears Make sure you verify the BOL when printing. If you don't see a BOL in the folder, ask Julie Ann Cureg to create one as there may be a shipper specific one needed. Don't assume all BOLs are the same.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:18 PM

Contact with to pick up the order...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:18 PM

You'll have to email the shipper contact you made...

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---

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/9 5:15 PM  
Julie Ann Cureg this is where you need to only create the BOL that is needed. Having the duplicate BOLs is confusing the guys at the location to print.

---

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/9 5:14 PM  
[image]

---

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/9 5:13 PM  
dang it. Yeah we'll likely get charged on this one. It doesn't have a lot of the info theirs does.

---

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/9 5:13 PM  
[Captured photo] The other one just like this but corrected shipping addresses...

---

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/9 5:12 PM  
Not trying to be a pain, but it was like \$75 last time we used ours instead of theirs.

---

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/9 5:10 PM  
Was it their BOL or ours? They'll charge us if we used ours instead of theirs.

---

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 3/9 5:09 PM  
Jordan Tidaback Did we use the BOL they needed? I didn't think Rob had access to that folder? Driver got all the correct info on his copy he said he needed...

---

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback 3/9 5:07 PM  
Did we use the BOL they needed? I didn't think Rob had access to that folder?

---

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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/9 5:01 PM  
Robert Baumann Got it handled John Spears Good deal. Thanks. I'll go back to Mr. Ulmer.

---

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/9 5:00 PM  
[Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg SO-488 partial for air shipping 2 bulk bags...

---

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/9 4:57 PM  
Got it handled John Spears...

---

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/9 4:55 PM  
Robert Baumann I'm headed back to the office to print the new BOL. It got past 3:30 and I didn't think they were coming and I kinda forgot. Hold on.

---

**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/9 4:51 PM  
Robert Baumann. Here's the link to the folder  
[https://deedyco.sharepoint.com/:f/r/sites/American Tripoli Seneca MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20...](https://deedyco.sharepoint.com/:f/r/sites/American%20Tripoli%20Seneca%20MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20...)

---

**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/9 4:51 PM  
It is in the pick up order file. Please print that file together with the New BOL and give it to the driver...

---

**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/9 4:50 PM  
Robert Baumann Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback  
Julie Ann Cureg NNR GLOBAL LOGISTICS USA INC.1701 NICHOLAS BLVD.ELK GROVE VILLAGE, IL 60007US...

---

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/9 4:47 PM  
We need to get this replaced, or it will eventually eat that belt up.

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**Mill Group Chat** | You, Brian, Don, +8

RF Ronnell Fondren 3/9 4:46 PM  
(Selected photo)

---

**Mill Group Chat** | You, Brian, Don, +8

RF Ronnell Fondren 3/9 4:45 PM  
20230309 153558 1.jpg John Spears Robert Baumann We need to replace this because it will eventually eat that belt up...

---

**Mill Group Chat** | You, Brian, Don, +8

RF Ronnell Fondren 3/9 4:44 PM  
20230309 153558.jpg Russell Tidaback Jordan Tidaback We need to replace this because it will eventually eat that belt up...

---

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/9 4:44 PM  
Julie Ann Cureg Hi John Spears Robert Baumann NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment. Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg...

---

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 3/9 3:55 PM  
Hi John Spears Robert Baumann NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment.

---

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/9 9:51 AM  
Fantastic!!

---

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/9 9:50 AM  
John Spears Did we get the bottom door installed? We wanted to leave it open for trial run had it caution tape off everything looks and sounds ok we are "rolling that beautiful bean footage" as John Spears would say...

---

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/9 9:45 AM  
Did we get the bottom door installed?



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**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 3/9 9:44 AM  
Russell Tidaback okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done. Fixing to try the elevator now everything looks good...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/9 9:43 AM  
Russell Tidaback okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done. You bet. Greased lightening!

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/9 9:42 AM  
okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done.

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/9 9:40 AM  
That part of the exam takes the longest to do. It would help make the inspection and startup faster.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/9 9:40 AM  
Patrick and I greased the classifier elevator top bearings before we came down. Patrick turned the power back on as well. In our haste yesterday we forgot to grease the scroll while we were up there.

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/9 9:37 AM  
Someone, other than John, please examine the Classifier elevator bearings. Make sure these are greased, and relay what you see and do up there to John. Jim Hoover Patrick Lewis Ronnell Fondren Robert Baumann...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/9 9:35 AM  
Everyone be sure to complete your forklift and work area exams please. I'll do the maintenance exam.

**Mill Group Chat** | You, Brian, Don, +8

JH Jim Hoover 3/9 8:36 AM  
That's some funny shit right there...

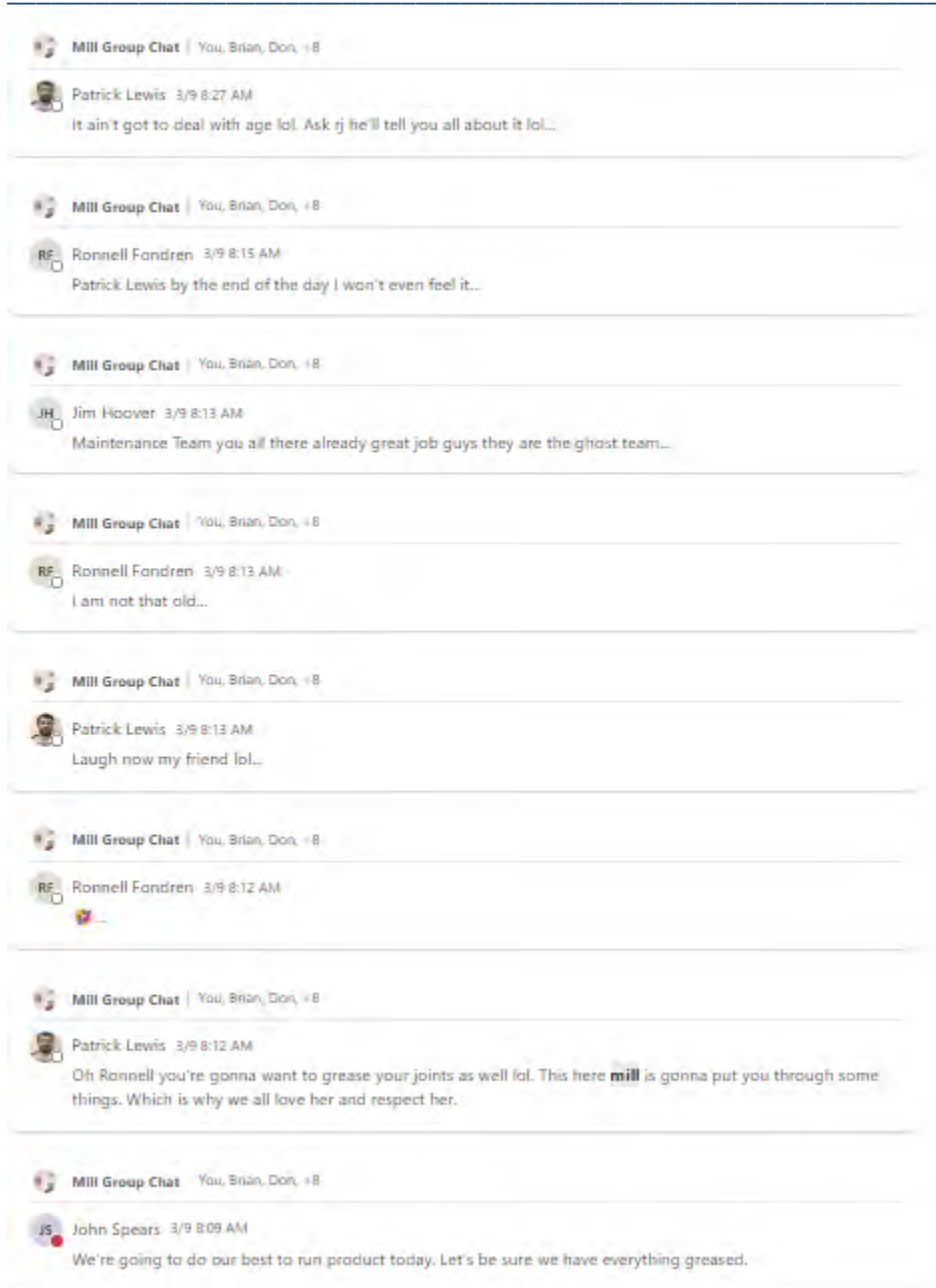
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**Mill Group Chat** | You, Brian, Don, +8

Jim Hoover 3/9 8:08 AM  
Indeed my good man indeed...

**Mill Group Chat** | You, Brian, Don, +8

Ronnell Fondren 3/9 8:05 AM  
Awesome...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/9 8:08 AM  
Good sir...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/9 8:08 AM  
I believe it's to run product for sir...

**Mill Group Chat** | You, Brian, Don, +8

Ronnell Fondren 3/9 7:32 AM  
What is the plan for today...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/8 8:14 PM  
I was hypothetically speaking as in I'm that guy that "would safely base jump without a parachute" lol. I was mainly just making a funny.

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/8 8:09 PM  
Hows that Pat? I see you doing good.

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/8 8:07 PM  
Well damn I seem to be a contradiction LOL or more so and oxymoron LMAO...



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**Mill Group Chat** | You, Brian, Don, & B

**R** Ronnell Fondren 3/8 8:05 PM  
Exactly...

**Mill Group Chat** | You, Brian, Don, & B

**R** Russell Tidaback (You) 3/8 8:04 PM  
Remember... There is no I in team, and leadership isn't a position. It's an ethical decision. Do what is right, even when no one is watching. (Media)

**Mill Group Chat** | You, Brian, Don, & B

**R** Ronnell Fondren 3/8 7:55 PM  
"EVERYONE" did a good job today...

**Mill Group Chat** | You, Brian, Don, & B

**JH** Jimi Hoover 3/8 7:40 PM  
Awesome job guys next will be the palletizer and incline belt hopefully very soon in near future. RJ thanks for your help on the vacuum system and getting that hooked up today and for Lunch, I appreciated it, also Pat I already told you but I cleaned your office 🧹 not as well as I could do lack of time I will work on...

**Mill Group Chat** | You, Brian, Don, & B

**R** Russell Tidaback (You) 3/8 5:59 PM  
Thanks for all the work today guys! Big hoorah out to Patrick Lewis... at the this moment, him and John Spears are still finishing up on the classifier elevator bearing replacement project. Making the final touches so we can produce tomorrow. THANKS Patrick Lewis AND John Spears!!! The bagger is working again, we are...

**Mill Group Chat** | You, Brian, Don, & B

**JS** John Spears 3/8 5:19 PM  
Russell Tidaback Robert Baumann SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request. Will do.

**Mill Group Chat** | You, Brian, Don, & B

**R** Russell Tidaback (You) 3/8 4:29 PM  
Robert Baumann SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request.

**Mill Group Chat** | You, Brian, Don, & B

**J** Julie Ann Cureg 3/8 3:39 PM  
03/09 (tomorrow) is the pick-up date for these 2 Bags. They should send ETA tomorrow before they pick it up as per the shipper.

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**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/8 3:10 PM

Hi John Spears, I added a new BOL, Shipping Label, and Pick-up order PDF to SO-488 (2 Bags Partial Order) Folder. As per the driver, please give a copy of BOL and Pick-up order to the driver. I'll just confirm the ETA and get back to you.

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/8 11:59 AM

Ok...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/8 10:48 AM

Ronnell Fondren Russell Tidaback John Spears Jordan Tidaback Robert Baumann We need another 100ft of air hose please and thank you We have other air hoses I will find you one...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/8 10:47 AM

Can we get another 100ft of air hose please and thank you...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/8 10:45 AM

Russell Tidaback John Spears Jordan Tidaback Robert Baumann We need another 100ft of air hose please and thank you...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 10:39 AM

Julie Ann Cureg Not yet but I messaged them already. I'll get back to you when they reply. Fantastic.

**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/8 10:37 AM

Not yet but I messaged them already. I'll get back to you when they reply.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 9:59 AM

Julie Ann Cureg John Spears I added the new BOL for SO-488 to its folder (8 bags). Is there an ETA for the SO-488 air freight pickup?

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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 9:38 AM

Julie Ann Cureg John Spears I added the new BOL for SO-488 to its folder (8 bags). Thank you. We'll get it ready.

**Mill Group Chat** | You, Brian, Don, +8

**JS** Julie Ann Cureg 3/8 9:39 AM

John Spears I added the new BOL for SO-488 to its folder (8 bags).

**Mill Group Chat** | You, Brian, Don, +8

**R** Russell Tidaback (You) 3/8 9:26 AM

Thanks...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 9:26 AM

Russell Tidaback John Spears Robert Baumann Let's not forget about the packer. It needs to be cleaned this morning. O'Jim will be back to assist in troubleshooting around 10am. I'd like Jim Hoover to assist O'Jim. So let try and get the bagger cleaned before 10am as we talked yesterday. The microswitch s... Will do.

**Mill Group Chat** | You, Brian, Don, +8

**R** Russell Tidaback (You) 3/8 9:24 AM

John Spears We'll finalize cleaning out the filter duct the best we can today. The sprockets for the outside flour elevator should be here by noon today and we'll get those installed. We'll continue on the green packer... John Spears Robert Baumann Let's not forget about the packer. It needs to be cleaned this morning.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 9:08 AM

Ronnell Fondren John Spears there is the pictures u asked for yesterday Ronnell Fondren Thank you.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 9:07 AM

We'll finalize cleaning out the filter duct the best we can today. The sprockets for the outside flour elevator should be here by noon today and we'll get those installed. We'll continue on the green packer as well.

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/8 7:50 AM

LoL...

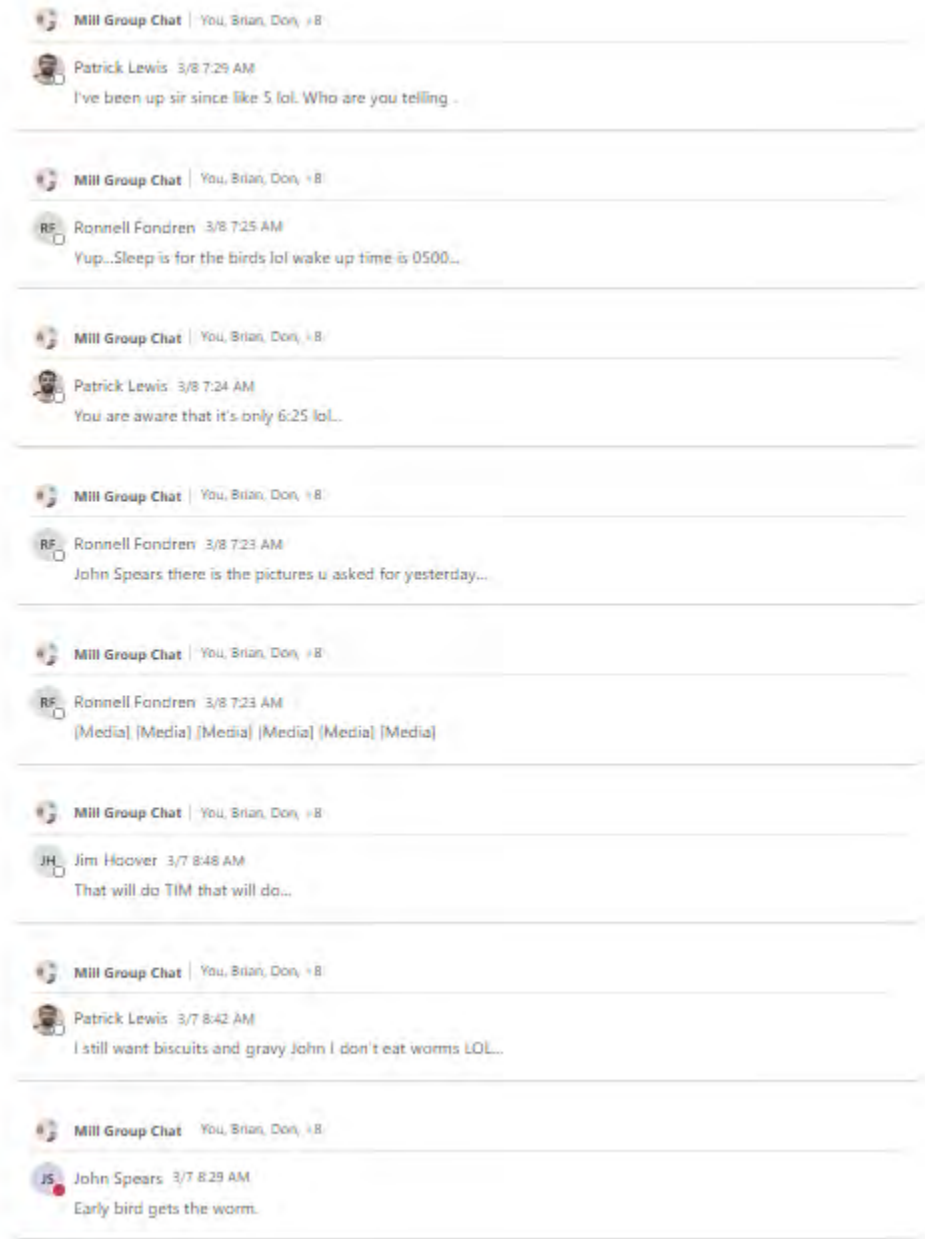
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- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Russell Tidaback (You) 3/7 8:12 AM  
Good morning guys. Today Jim and I will work on the bagger. RJ and Rob please continue to work on cleaning out the vacuum system. John and Ron, Pat as ground safety, work on classifoer scroll bearings. Crane should be there at 8am. Rain doesn't, hopefully, show up until after 4pm today. Let's getter' done! 🙏🏻
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Patrick Lewis 3/6 3:59 PM  
[Media] [Media] [Media]
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Patrick Lewis 3/6 3:59 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d6-b987a0bd22f737a91a1d9f7f9cf9a8db/views/imgo] Little Mac vacuum system...
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Ronnell Fondren 3/6 2:26 PM  
Russell Tidaback John Spears Robert Baumann Patrick Lewis RJ Williams Jim Hoover can we get a snake to clean the vacuum/air system please and thank you...
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- JS John Spears 3/6 11:52 AM  
Jordan Tidaback John Spears Robert Baumann Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow. Thank you.
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Jordan Tidaback 3/6 11:52 AM  
John Spears Robert Baumann Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow.
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Jim Hoover 3/6 10:38 AM  
Need key...
- 
- Mill Group Chat** | You, Brian, Don, +8
- 
- Russell Tidaback (You) 3/6 10:38 AM  
Robert Baumann please come to the green monster with the LOTO key.
-



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**Mill Group Chat** | You, Brian, Don, + 8

**Ronnell Fondren** 3/6 10:19 AM

Robert Baumann John Spears Russell Tidaback Jordan Tidaback I am on the ground to provide safety to Pat while he is up on the Cat Walk for the Elevator...

**Mill Group Chat** | You, Brian, Don, + 8

**John Spears** 3/6 9:04 AM

We'll get on it.

**Mill Group Chat** | You, Brian, Don, + 8

**Russell Tidaback (You)** 3/6 9:01 AM

Good morning everyone. A few things for today we need to make happen. First thing, each person needs to do their workplace exam. Next, Patrick Lewis and Ronnell Fondren - harness up and were going to be removing the cover and loosening the bearing caps on the classifier elevator in prep for the crane tomorrow. John...

**Mill Group Chat** | You, Brian, Don, + 8

**Robert Baumann** 3/3 1:01 PM

(Captured photo) (Captured photo) (Captured photo) (Captured photo) (Captured photo) (Captured photo) Julie Ann Cureg SQ-447 21bulk bags dgr...

**Mill Group Chat** | You, Brian, Don, + 8

**John Spears** 3/3 12:37 PM

Ronnell Fondren you noted on the forklift exam for the Toyota that the mast needed lubricant. Did you inform Robert Baumann that it needed to be lubed? Then we can amend the exam after the lubricant is applied. Thanks...

**Mill Group Chat** | You, Brian, Don, + 8

**John Spears** 3/3 12:06 PM

Patrick Lewis Robert Baumann John Spears this looks to be the issue Where is this?

**Mill Group Chat** | You, Brian, Don, + 8

**Ronnell Fondren** 3/3 11:19 AM

Russell Tidaback Jordan Tidaback John Spears Horton supply company in Springfield (417) 864-8584 Give them a call they keep parts in stock...

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**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 3/3 10:33 AM  
[Captured photo] Can we get another one of these ordered and clear packing tape and a couple rolls of ductape for the mill plz...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/3 10:07 AM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d10-fa6e2b553d395da8f729bbf49a64cb4e/views/imgo] Robert Baumann John Spears this looks to be the issue...

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/3 9:08 AM  
Sorry it's in the Mill breakroom...

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 3/3 8:40 AM  
Work place exam training in the conference room at 8 am Jim Hoover Patrick Lewis RJ Williams Ronnell Fondren...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/2 5:23 PM  
Yeah I'd just put it away. That's my bad...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/2 5:22 PM  
Patrick Lewis The come along that was in the genie basket has been put Away Fantastic! Thanks. I didn't realize that it had been retrieved.

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/2 5:21 PM  
The come along that was in the genie basket has been put Away...

**Mill Group Chat** | You, Brian, Don, +8

John Spears 3/2 5:21 PM  
Yes.


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 Mill Group Chat | You, Brian, Don, + 8

 Russell Tidaback (You) 3/2 5:20 PM  
John Spears were you referring to the one used here today?

 Mill Group Chat | You, Brian, Don, + 8

 Russell Tidaback (You) 3/2 5:20 PM  
[Media]

 Mill Group Chat | You, Brian, Don, + 8

 JS John Spears 3/2 5:17 PM  
Ronnell Fondren get the Genie key from Robert Baumann and go get the come-along down. Please.



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**Mill Group Chat** | You, Brian, Doris, & B

JS John Spears 3/2 5:08 PM  
Ronnell Fondren are you still here?

**Mill Group Chat** | You, Brian, Doris, & B

Julie Ann Cureg 3/2 3:44 PM  
Jordan Tidaback Julie Ann Cureg SO-466 has the same Cilas Report as the last Osborn order, as the production was the same day. Jordan Tidaback SO-466 or SO-446?

**Mill Group Chat** | You, Brian, Doris, & B

JS John Spears 3/2 3:40 PM  
Hello Ronnell Fondren...

**Mill Group Chat** | You, Brian, Doris, & B

Jordan Tidaback 3/2 3:38 PM  
Julie Ann Cureg SO-466 has the same Cilas Report as the last Osborn order, as the production was the same day.

**Mill Group Chat** | You, Brian, Doris, & B

Julie Ann Cureg 3/2 2:54 PM  
Thanks!

**Mill Group Chat** | You, Brian, Doris, & B

RB Robert Baumann 3/2 2:54 PM  
Julie Ann Cureg Robert Baumann John Spears just to confirm, will the 2 bags for air shipment be on pallet? Yes ma'am they are...

**Mill Group Chat** | You, Brian, Doris, & B

Julie Ann Cureg 3/2 2:58 PM  
Robert Baumann John Spears just to confirm, will the 2 bags for air shipment be on pallet?

**Mill Group Chat** | You, Brian, Doris, & B

RB Robert Baumann 3/2 1:48 PM  
Russell Tidaback we are all in the break room if you have time now...

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Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/2 1:48 PM

Russell Tidaback We shipped what we had to collinite. Correct, does the invoice match the BOL? Yes...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/2 12:09 PM

We shipped what we had to collinite. Correct, does the invoice match the BOL?

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/2 11:50 AM

Robert Baumann SO-555 Julie Ann Cureg Hi Robert Baumann Do you have any other pic for SO-555 which proves that we shipped the exact number of orders? as per Collinite Corp., they only received 15 Bags out of 28 bags (750 lbs) But the BOL signed by the carrier, we shipped 1958 lbs.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 3/2 9:50 AM

Julie Ann Cureg SO-447 for Osborn is complete.

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**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/1 12:37 PM

Robert Baumann We have 28 -40by48 pallets left John Spears Russell Tidaback Ok. Thanks.

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/1 12:35 PM

We have 28 -40by48 pallets left John Spears Russell Tidaback...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/1 11:48 AM

The **mill** is firing up. The outside flour elevator bangs and clanks but is operational.

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**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/1 10:14 AM  
Just making notes and didn't want to lose them.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/1 10:14 AM  
#28 - East Maint. Elec. Box Change Truck #61 to #62 Change Truck #60 to Extinguisher #30 Change "Old Truck garage " to "Warehouse A"

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 2/28 10:55 AM  
Robert Baumann can you get someone who has been up on the catwalk on the outside elevator and remove the guarding so it can be repaired? They will need a harness.

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 2/28 9:38 AM  
Yes sir...

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 2/28 8:56 AM  
Whoever does the daily forklift inspection, please note that the electric forklift was not plugged in last night.

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 2/20 4:04 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-435 Julie Ann Cureg21 bags of dgr...

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 2/16 12:12 PM  
Probably another reason why this MSHA inspector is here... [image]

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 2/15 5:25 PM  
But guys... this is why MSHA has to do what they do... PLEASE BE CAREFUL WHEN WORKING! MINE FATALITY - On January 30, 2023, a miner died while troubleshooting a belt conveyor when he fell through a 37-inch-long by 34-inch-wide hole created by the removal of a section of grating. The miner fell approximately 35 feet...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 2/15 3:24 PM

Guys, don't sweat the MSHA inspection... as we have always stated they are just doing their job. Legit citations will be fixed for the guidance we have to follow. The biggest thing to remember is be safe. Guarding must be in place for everyone's safety. The other stuff we will deal with one by one. Just keep doing your...

**Mill Group Chat** | You, Brian, Don, +8

**RB Robert Baumann** 2/14 5:07 PM

[Selected photo] [Selected photo] [Selected photo] SO-555 Julie Ann Cureg...

**Mill Group Chat** | You, Brian, Don, +8

**RB Robert Baumann** 2/14 2:12 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] 21 bags of agr SO-290-A Julie Ann Cureg...

**Mill Group Chat** | You, Brian, Don, +8

**RB Robert Baumann** 2/10 12:06 PM

[Selected photo] We will continue to run bulk bags while Gage Wheeler works on the bagger we are losing to much product trying to bag 100 pounders not very feasible...

**Mill Group Chat** | You, Brian, Don, +8

**RB Robert Baumann** 2/10 10:21 AM

Still having issues with bagger so we are currently running bulk bags...

**Mill Group Chat** | You, Brian, Don, +8

**JS John Spears** 2/10 9:57 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d18-8287a9d16223bc8e79a360a4148512c5/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-aa6f3a7e474c7ff63110615785cfa6be/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d18-c514d770a1fe52426874b3e4b3dadce3/views/imgo]...

**Mill Group Chat** | You, Brian, Don, +8

**JS John Spears** 2/9 2:54 PM

[https://us-api.asm.skype.com/v1/objects/0-cus-d4-e71816dd49139b030af9e506b6764d49/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d10-2a092551513201d682264b6d7222f369/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d13-45baacd5ac6fe27f0e768a5aaf72a32/views/imgo]...

**Mill Group Chat** | You, Brian, Don, +8

**JS John Spears** 2/9 2:42 PM

[https://us-api.asm.skype.com/v1/objects/0-cus-d18-f1b232d2f0b40d6bba7e7b97a774a71c/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d3-97d025241c03ccfcb0e4100bc4a9fa41/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d16-e34a6a9e6fc9ec018ae6135211f08687/views/imgo]...



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---

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 2/2 3:54 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d9-c8d8df32fc953b8519fc687583ada0a7/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d12-c18c19eb7a50720b5eb2ce777544e345/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d17-5835ba58ca8d7797926a9200a8524774/views/imgo]...

---

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 2/1 12:20 PM  
OK

---

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 2/1 12:15 PM  
John Spears I just uploaded shipping labels and a new BOL for SO-546 to its folder.

---

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 2/1 11:15 AM  
Thank you.

---

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 2/1 11:14 AM  
Let me know if you need help...

---

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 2/1 11:03 AM  
Julie Ann Cureg John Spears I uploaded the new BOL for SO-540 to its folder. Thank you. Waiting for the new one to load. Still seeing the one from 6 days ago. I'll do the FS refresh.

---

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 2/1 10:58 AM  
John Spears I uploaded the new BOL for SO-540 to its folder.

---

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**ATMO Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears: 4/16 9:45 PM  
MSHA is supposed to be at the mill in the morning to turn on the power. The mill is still shut down until we get the PAPRs.

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears: 4/14 4:41 PM  
Pictures did not come through.

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**RC** Ryan Closser: 4/14 4:40 PM  
Hoses\*

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**RC** Ryan Closser: 4/14 4:40 PM  
I'm finishing up the houses in this box as we speak...

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**RC** Ryan Closser: 4/14 4:39 PM  
IMG\_20230414\_153431938.jpg IMG\_20230414\_153357936.jpg

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears: 4/14 10:58 AM  
Jordan Tidaback just fyi...SEW wouldn't allow us to order direct from them, and advised to order from a distributor. None of the distributors have the pinion in stock and would have to order it from SEW. So, I have 3... Good. Thank you.

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**JT** Jordan Tidaback: 4/14 10:48 AM  
Ryan Closser [https://www.seweurodrive.com/os/ecs/?SEARCH\\_STRING=5576](https://www.seweurodrive.com/os/ecs/?SEARCH_STRING=5576) just fyi...SEW wouldn't allow us to order direct from them, and advised to order from a distributor. None of the distributors have the pinion in stock and would have to order it from SEW. So, I have 3 quote requests out with their distributors.

---

**ATMO Maintenance Group** | You, Dan, Joe, +3

**JT** Jeremy Talbert: 4/14 9:16 AM  
Yesterday when me and ryan were working in green hulk i saw somethings we need to fix the doors on top probaly need some rubber seal and there is 5-10 of the handles to tighten lids down arent attached so no way to jold pressure on lid need to reweld....



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- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/14 9:16 AM  
Yesterday when me and ryan were working in green hulk i saw somethings we need to fix the doors on top probaly need some rubber seal and there is 5-10 of the handles to tighten lids down arent attached so no way to jold pressure on lid need to reweld...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JM** Jessie Molesi 4/13 10:56 AM  
Also make sure to Private message me your birthdate and phone number to send to the clinic...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JM** Jessie Molesi 4/13 10:55 AM  
Hey Jeremy Talbert, Ryan Closser I have you scheduled for tomorrow (4-13-2023) for both the PFT test and Audiogram at Express Wellness. Make sure to be here at 0800 am at main office to get your forms and tag a ride with John.
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/13 10:54 AM  
I do t know which class or whatever we needn...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/13 10:40 AM  
RPB® T200™ Respirator | Blast Booths Spray Paint Booths Abrasives Media & Equipment  
<https://www.blastone.com/product/rpb-t200-respirator/>
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JS** John Spears 4/11 6:17 PM  
Jeremy Talbert There a long list of stuff id like to do the middle tube in between dryer and furnace is almost gone i noticed that as well. I'll contact Mr. Longan and see if he has any information on where to get that silicone blanket/tube material.
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/11 6:13 PM  
There a long list of stuff id like to do the middle tube in between dryer and furnace is almost gone...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/11 6:10 PM  
I think i found some bolts i can make work on tube mill ill figure it out i also need to check the scroll from dryer to tube mill theres a new bearing but looks like has alot of movement it shouldnt have...

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**ATMO - Maintenance Group** | You, Dan, Joe, +3

John Spears · 4/11 6:07 PM

Jeremy Talbert The one right under the roof Yes. The one that is way up there at the top where the wall meets the ceiling inside.

**ATMO - Maintenance Group** | You, Dan, Joe, +3

Jeremy Talbert · 4/11 6:06 PM

The one right under the roof...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

John Spears · 4/11 6:06 PM

Jeremy Talbert Also i would like to see whats in the canister on airline going out building Ok...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

John Spears · 4/11 6:06 PM

Jeremy Talbert On what the green monster Yes.

**ATMO - Maintenance Group** | You, Dan, Joe, +3

Jeremy Talbert · 4/11 6:05 PM

Also i would like to see whats in the canister on airline going out building...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

Jeremy Talbert · 4/11 6:05 PM

On what the green monster...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

Jeremy Talbert · 4/11 6:04 PM

I really need to change micro belly scroll bearing...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

John Spears · 4/11 6:04 PM

Very good. We'll have Jeremy Talbert and Ryan Closser see how hard or easy it would be to change the leaking pulse valves while they're up there.

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**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JT** Jeremy Talbert 4/11 6:03 PM  
Im was gonna put the bolts in tube mill and need to check filters in donaldson...

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**RB** Robert Baumann 4/11 6:02 PM  
Green monster is what I was planning trying to eliminate some dusting...

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/11 5:47 PM  
Jeremy Talbert what projects do you have for in the morning? Has Rob talked to you about anything needed?

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**RC** Ryan Closser 4/11 4:53 PM  
[https://www.seweurodrive.com/os/ecs/?SEARCH\\_STRING=5576...](https://www.seweurodrive.com/os/ecs/?SEARCH_STRING=5576...)

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**RC** Ryan Closser 4/11 4:53 PM  
tmp: 747d1946-271a-4ad4-9c21-662ac899905f.jpeg

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**RC** Ryan Closser 4/11 4:39 PM  
Ok John, give me a min to find it I just got your message...

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/11 4:37 PM  
Jordan Tidaback Just following up on the palletizer motor gear. Did we find out about that? Controls & Electric is not going to do anything for us. Ryan found the part number for the pinion gear. He is bringing me the information.

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/11 4:36 PM  
Ryan Closser come to my office with the pinion gear information for the palletizer motor. Please.

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ATMO - Maintenance Group | You, Don, Joe, 13

Jordan Tidaback 4/11 4:10 PM  
Just following up on the palletizer motor gear. Did we find out about that?

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 4/11 10:58 AM  
Jim wants to show you a couple of semi hidden places.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 4/11 10:57 AM  
Thanks...

ATMO - Maintenance Group | You, Don, Joe, 13

RC Ryan Closser 4/11 10:57 AM  
One\*

ATMO - Maintenance Group | You, Don, Joe, 13

RC Ryan Closser 4/11 10:57 AM  
I think Jeremy is coming with I've...

ATMO - Maintenance Group | You, Don, Joe, 13

RC Ryan Closser 4/11 10:57 AM  
Working on it...

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 4/11 10:52 AM  
Bring a grease gun to the packer please. Nipple and button.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/11 10:47 AM  
Ill try and find some today and put in the am when we do **maintenance**

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ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 4/11 10:26 AM  
Can you guys come to packer...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/11 9:59 AM  
Jeremy Talbert Okay im looking i just got finished with greasing everything Good deal. Be sure to enter your **maintenance** safety exam. Ryan Closser don't forget as well. Thanks guys.

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/11 9:37 AM  
Okay im looking i just got finished with greasing everything...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/11 8:04 AM  
Jeremy Talbert Need to get or find bolts gor tube mill only 1 of 4 is in then these bolts hold the 2 segments together i think we may have some of those big bolts.

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/11 6:04 AM  
Need to get or find bolts gor tube mill only 1 of 4 is in then these bolts hold the 2 segments together...

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/10 10:28 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-ec05e9d04860d3fa6e7ce7e4dbe8dcf7/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/10 4:40 PM  
Jeremy Talbert John i have 1 new bearing and 2 that are used but usable still and 2 new insert bearings for G-40  
Good deal. Glad you found them.

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/10 4:39 PM  
John i have 1 new bearing and 2 that are used but usable still and 2 new insert bearings for G-40...



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**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears 4/10 3:29 PM  
Fantastic! I need to get a couple more of those bearings.

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JT** Jeremy Talbert 4/10 3:27 PM  
Its done and no leaks so far...

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JT** Jeremy Talbert 4/10 3:27 PM  
<https://us-api.asm.skype.com/v1/objects/0-cus-d11-0bbdpcb8209436230f190b78466417ed/views/imga1>

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears 4/10 3:11 PM  
We've decided to change the bearing on the packer impeller shaft. Luckily it is the same as the end shaft bearings on the G-40's.

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears 4/10 1:10 PM  
Jeremy Talbert Okay ill be there shortly is it okay if i bring a mini fridge and put in **maintenance** office or in the shop Sure.

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JT** Jeremy Talbert 4/10 1:06 PM  
Okay ill be there shortly is it okay if i bring a mini fridge and put in **maintenance** office or in the shop

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears 4/10 1:04 PM  
Sure thing. You'll make it home. Ryan needs your help.

---

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JT** Jeremy Talbert 4/10 1:04 PM  
And change those 2 bearings...

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- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JT** Jeremy Talbert 4/10 1:04 PM  
Or i can come in this weekend...
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JT** Jeremy Talbert 4/10 1:03 PM  
Im done at dr i was gonna run home and eat lunch and come to work if thats okay with you john and if Patrick can take me home...
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JS** John Spears 4/10 12:46 PM  
Ryan Closser I'm in the control room.
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JS** John Spears 4/10 11:03 AM  
Jeremy Talbert You talking about valve at the blue box by compressor there is a leak there so shut the valve so there is air in lines if we need air after shutting down compressor Don't forget to let someone know.
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JT** Jeremy Talbert 4/10 11:01 AM  
I think its the refrigerant box by compressor your talking about...
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JT** Jeremy Talbert 4/10 11:01 AM  
You talking about valve at the blue box by compressor there is a leak there so shut the valve so there is air in lines if we need air after shutting down compressor...
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- JS** John Spears 4/10 10:49 AM  
Ryan Closser John the main valve to the air system coming right off the dryer was shut off. Nobody was notified that that Bell had gotten shut off so this morning it was never checked. I don't believe we need to be... Thanks. We'll keep that in mind.
- ATMO - Maintenance Group** | You, Dan, Joe, +3
- RC** Ryan Closser 4/10 10:42 AM  
...I don't believe we need to be locking the air our system and leaving it to stay there to accumulate moisture and rust the lines out. When we shut down we should bring the system and leave it vented to the **atmo**sphere. I don't know who closed me but nobody was ever notified.

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ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears - 4/10 10:18 AM

Jeremy Talbert John while im in town today do you want me to stop at ibt and pick up the parts for that electric motor They will only take a credit card from us. But thank you.

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert - 4/10 10:13 AM

John while im in town today do you want me to stop at ibt and pick up the parts for that electric motor...

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert - 4/7 4:57 PM

Okay have a good weekend...

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears - 4/7 4:42 PM

Jeremy Talbert Ryan Closser I'm gonna head out. I've got to meet up with my truck mechanic to find out what the vibrating noise is in the front end.

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert - 4/7 12:24 PM

John im in office did you need me...

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert - 4/7 12:13 PM

[https://us-api.asmskype.com/v1/objects/0-cus-id17-4ef79483eafb35d1a0506cccc242e06/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert - 4/7 12:12 PM

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert Baumann - 4/7 12:11 PM

John Spears tube Mill didn't want to restart motor smoked and now all of this Jeremy Talbert can explain...



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**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**JT** Jeremy Talbert - 4/7 12:07 PM

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**JT** Jeremy Talbert - 4/7 12:05 PM

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**RB** Robert Baumann - 4/7 10:40 AM  
John Spears Jeremy Talbert did the power flicker in the mill? Have you looked outside...

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**RC** Ryan Closser - 4/7 10:35 AM  
Yes it did John and it shut everything down...

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**JS** John Spears - 4/7 10:08 AM  
Jeremy Talbert did the power flicker in the mill?

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**Russell Tidaback (You)** - 4/7 10:00 AM  
Jordan and Bonnie, two females, helped as well... just sharing so you know, this isnt the first time the palletizer hasnt worked and we had to hand stack bags.

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**Russell Tidaback (You)** - 4/7 9:58 AM  
we did 20 10-high pallets one day... sure it was a rough day but it is doable. Plus that was in the heat of summer...

---

**ATMO - Maintenance Group** | You, Dan, Joe, i-3

**Russell Tidaback (You)** - 4/7 9:57 AM  
Not a bad idea... but hopefully we get the palletizer fixed next week. We have had three people stacking before in the curve corner. 100# bags, two people at a time stacking, grab an end of bag, one person bagging and rotate every 4 bags. 50# bags one person grabs the bag, rotate to the next person, one person bagging...

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**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 4/7 9:42 AM  
Sorry art was not my best class in school...

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 4/7 9:42 AM  
[\[https://us-api.asm.skype.com/v1/objects/0-cus-d17-97d102c60849f59291229e21a711fd14/views/imga\]](https://us-api.asm.skype.com/v1/objects/0-cus-d17-97d102c60849f59291229e21a711fd14/views/imga)

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 4/7 9:33 AM  
I told john yesterday a idea i had we could do until get robotic stacker make alot easier and i think would help up production and make easier on guys stacking and wont cost very much to do...

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 4/7 9:31 AM  
Definitely quiter need to get a couple more maybe a size bigger we could put above flight feeder to help rock slide onto feeder pans...

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 4/7 9:23 AM  
Are those electric vibrators quieter than the air one?

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 4/7 9:07 AM  
Welded on and running...

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 4/7 9:07 AM  
Got the 2 electric vibraters weld on and running...

**ATMO - Maintenance Group** | You, Don, Joe, +3

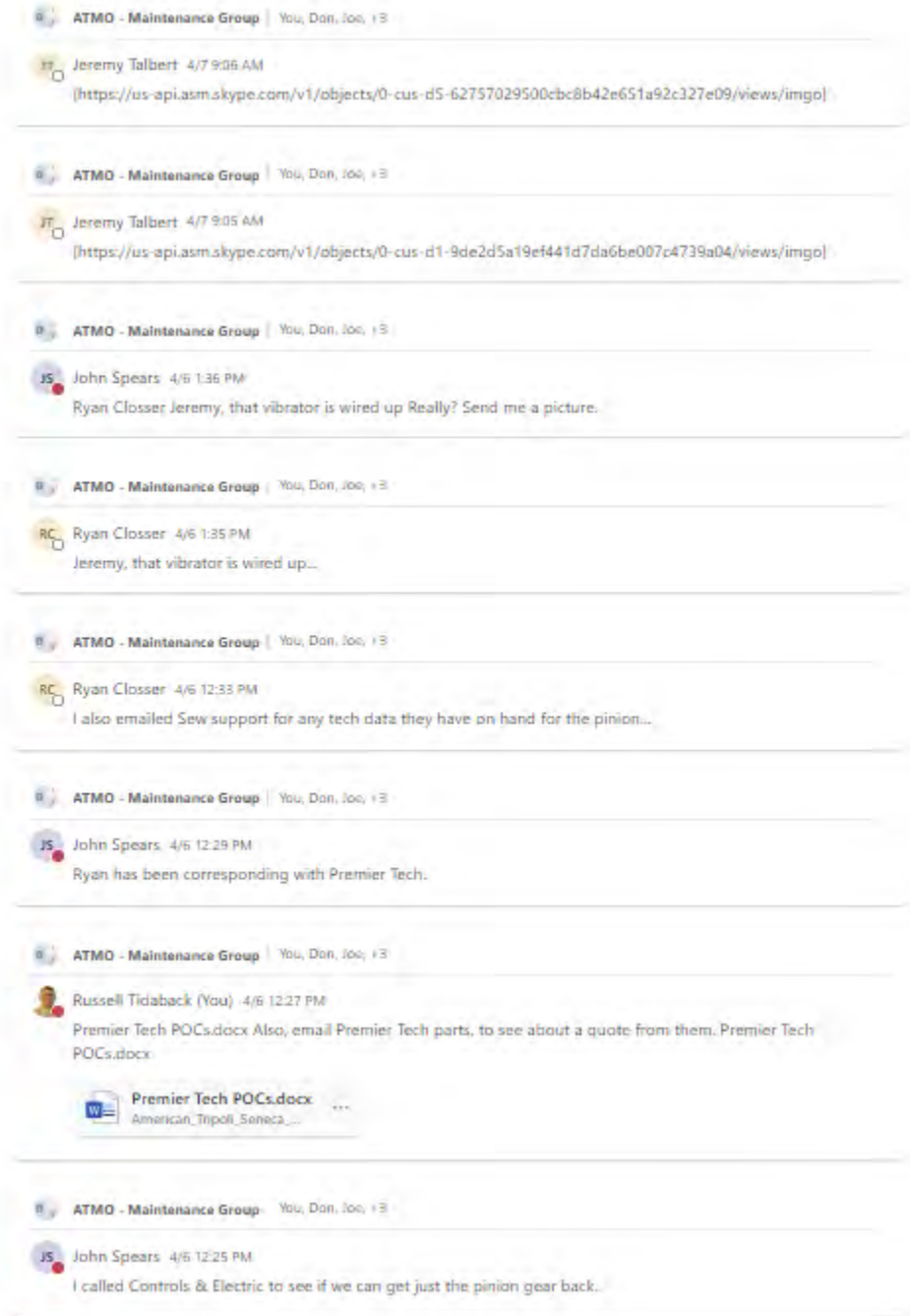
Jeremy Talbert 4/7 9:06 AM  
[\[https://us-api.asm.skype.com/v1/objects/0-cus-d2-49de50c9f90c313f4924d08f1bd59fac/views/imga\]](https://us-api.asm.skype.com/v1/objects/0-cus-d2-49de50c9f90c313f4924d08f1bd59fac/views/imga)

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**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/6 12:19 PM  
Still looking for technical data on the pinion itself. Finding only distributors so far.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/6 12:18 PM  
[image]

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/6 12:05 PM  
That was supposed to be 112.40:1...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/6 12:05 PM  
Pinion gear: \*121.40:1 Gear ratio: \*27 Teeth...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/6 11:59 AM  
Ryan Closser is there a picture?

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/6 11:44 AM  
I found the pinion gear for the motor on the palletizer elevator. The part number is #5576. You can order a new one from Sew Eurodrives at: [https://www.seweurodrive.com/os/ecs/?SEARCH\\_STRING=5576...](https://www.seweurodrive.com/os/ecs/?SEARCH_STRING=5576...)

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/6 10:57 AM  
Jeremy, John is in the maint office and is requesting you...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/5 6:41 PM  
Robert Baumann Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28th just half a day that Thursday Ok. Thanks.

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**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Robert Baumann** 4/5 6:40 PM  
Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28 th just half a day that Thursday...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**John Spears** 4/5 6:39 PM  
Jeremy Talbert Most the time they been in am but she going to see about changing ti afternoon time Ok...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Jeremy Talbert** 4/5 6:36 PM  
Most the time they been in am but she going to see about changing ti afternoon time...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**John Spears** 4/5 6:34 PM  
Understood. Thanks for letting me know.

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Jeremy Talbert** 4/5 6:33 PM  
John and other supervisors i need to tell Monday April 10th i will be either late or maybe take day off and makeup that day on Sunday the 16th reason is having a baby in july so every other monday have a dr appointment...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**John Spears** 4/5 6:37 PM  
Jeremy Talbert John i need some self taping screws asap please for end shoot on fluid bed dryer to much heat for the rubber piece we put in so gonna use the pieces of stove pipe Got it.

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Jeremy Talbert** 4/5 3:36 PM  
John i need some self taping screws asap please for end shoot on fluid bed dryer to much heat for the rubber piece we put in so gonna use the pieces of stove pipe...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Jeremy Talbert** 4/5 1:29 PM  
<https://us-api.asm.skype.com/v1/objects/0-eus-d13-2e31423e988224b87fb1386755455765/views/imgo>



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**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 1:29 PM  
Replaced skirt where material falls from fluid bed dryer to tube mill scroll...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 1:27 PM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d1-42c60b88dda6d0c5728cb10a341cc8b3/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 11:52 AM  
Welded frame back on to fluid bed dryer...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 11:50 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d16-aad41b4c47b04e659a1c88181d66ab35/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 11:49 AM  
Missing a nut found one and replaced missing one and tightened the other 3...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JS John Spears 4/5 11:49 AM  
Jeremy Talbert Bolts where missing for collar found new bolts and tightened up Very good! Thanks.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 11:49 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d11-f3671b292b093cdf2eaa2de89e1af63b/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

IT Jeremy Talbert 4/5 11:48 AM  
Bolts where missing for collar found new bolts and tightened up...

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ATMO - Maintenance Group

You, Don, Joe, 13

JS

John Spears 4/4 5:50 PM

Are we doing **maintenance** in the am if so i think i can do that bearing on green hulk scroll in a hr just changing bearing not putting love joy and motor straight just new bearing and back the way it is...

ATMO - Maintenance Group

You, Don, Joe, 13

JT

Jeremy Talbert 4/4 5:48 PM

Ill be there at 630 since i ride with ronell...

ATMO - Maintenance Group

You, Don, Joe, 13

JT

Jeremy Talbert 4/4 5:47 PM

Are we doing **maintenance** in the am if so i think i can do that bearing on green hulk scroll in a hr just changing bearing not putting love joy and motor straight just new bearing and back the way it is

ATMO - Maintenance Group

You, Don, Joe, 13

RC

Ryan Closser 4/4 5:42 PM

John I'm out of here. the wires disconnected in The House of the box.

ATMO - Maintenance Group

You, Don, Joe, 13

RC

Ryan Closser 4/4 5:05 PM

John, we're you able to find a battery for me?

ATMO - Maintenance Group

You, Don, Joe, 13

JT

Jeremy Talbert 4/4 2:55 PM

[https://us-api.asm.skype.com/v1/objects/0-eus-d14-3e3a84d46c1b7c1471d7d189469a484e/views/imgo]

ATMO - Maintenance Group

You, Don, Joe, 13

JT

Jeremy Talbert 4/4 2:55 PM

Bearing and seal will be at ibt in am for electric motor...

ATMO - Maintenance Group

You, Don, Joe, 13

JS

John Spears 4/4 1:05 PM

Jeremy Talbert Already fixed just needed to tighten the mounting bolts Fantastic.



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ATMO - Maintenance Group | You, Don, Joe, iB

Russell Tidaback (You) 4/4 1:04 PM  
Awesome!!!

ATMO - Maintenance Group | You, Don, Joe, iB

JT Jeremy Talbert 4/4 1:04 PM  
Already fixed just needed to tighten the mounting bolts...

ATMO - Maintenance Group | You, Don, Joe, iB

JT Jeremy Talbert 4/4 1:03 PM

ATMO - Maintenance Group | You, Don, Joe, iB

JS John Spears 4/4 12:43 PM  
Sure thing. Look it over when we shut down today and get a plan formulated.

ATMO - Maintenance Group | You, Don, Joe, iB

JT Jeremy Talbert 4/4 12:42 PM  
We are doing **maintenance** on Wednesday mornings correct.

ATMO - Maintenance Group | You, Don, Joe, iB

JT Jeremy Talbert 4/4 12:40 PM  
Fix...

ATMO - Maintenance Group | You, Don, Joe, iB

JT Jeremy Talbert 4/4 12:39 PM  
We will fix it tomorrow am when we do **maintenance**.

ATMO - Maintenance Group | You, Don, Joe, iB

JS John Spears 4/4 12:37 PM  
Ryan Closser John, we may want to look at this soon... [File: VID\_20230404\_112308375.mp4] You bet. We'll look at it when we turn it off for the day. Thanks.

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**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/4 12:26 PM  
VID 20230404 112308375.mp4 John, we may want to look at this soon...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/4 10:09 AM  
Ryan Closser if you're not tied up, please come to the control room.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/4 9:45 AM  
Jeremy Talbert John i need the extractor kit so i can finish taking about electric motor please grease rags and the latex gloves please Got it.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 4/4 9:35 AM  
John i need the extractor kit so i can finish taking about electric motor please grease rags and the latex gloves please...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/4 8:17 AM  
Y'all are catching on quick. Good job. Be sure to communicate with each other. Let me know if you need help. Thanks.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/3 1:45 PM  
Fantastic!

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 4/3 1:45 PM  
Done...

**ATMO - Maintenance Group** | You, Don, Joe, 13

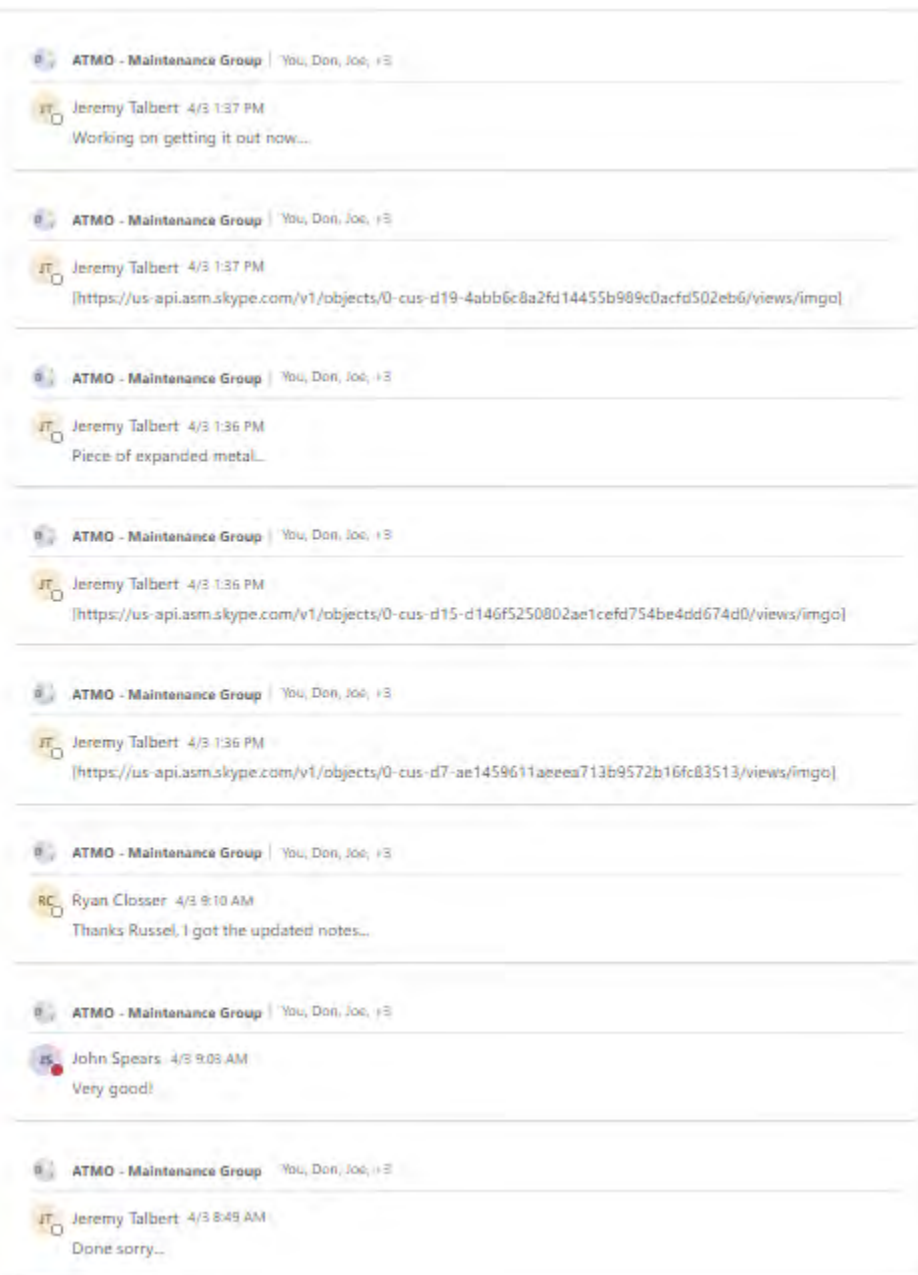
**JS** John Spears 4/3 1:38 PM  
Very good. Thank you. Be sure to LOTO. Ryan Closser please assist.

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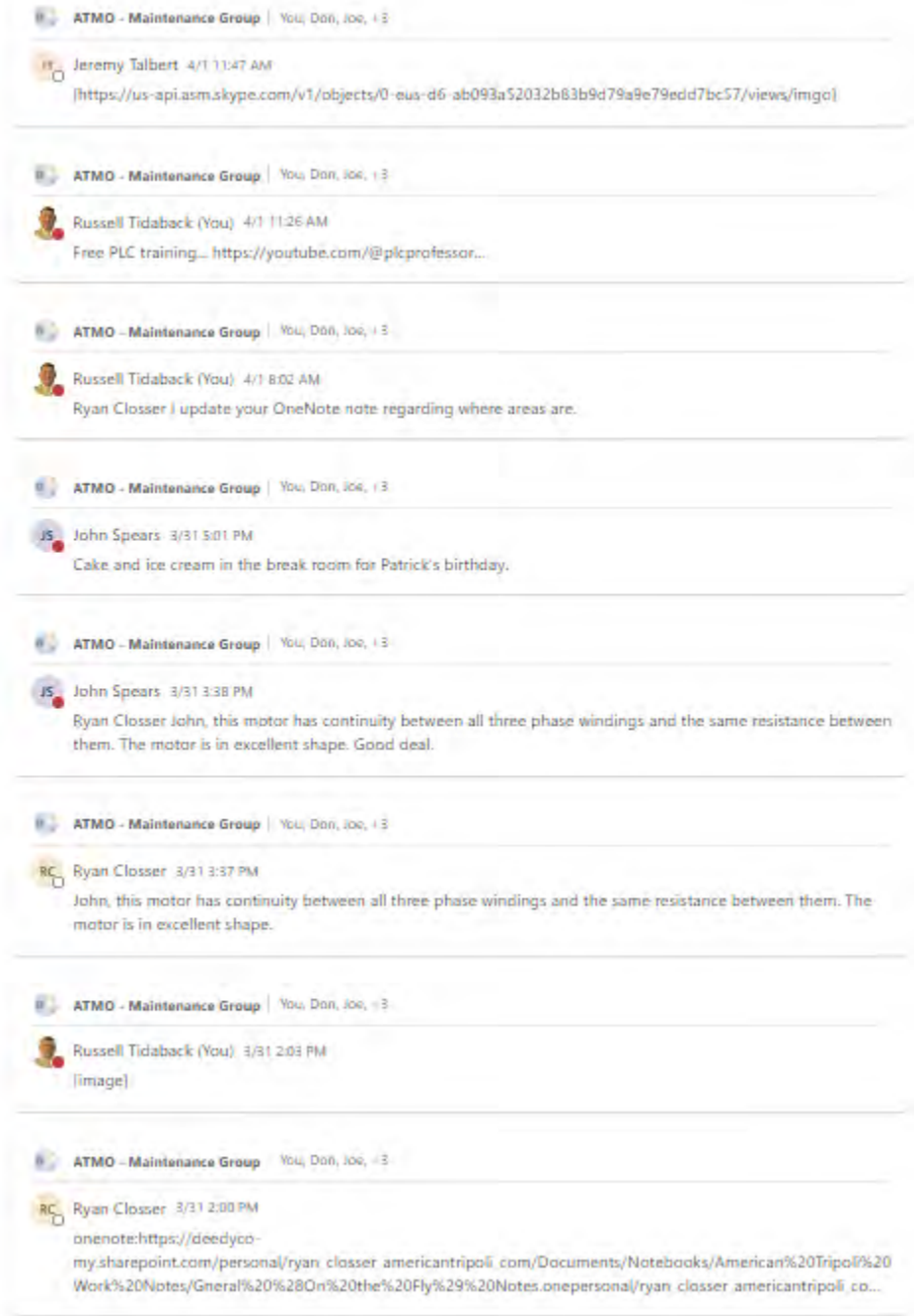
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- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/3 8:48 AM  
Already do e...
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JS** John Spears 4/3 8:05 AM  
Keep an eye on the auger/scrolls today. The outside elevator will need greased.
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JS** John Spears 4/1 6:22 PM  
Jeremy Talbert Charged tube mill with 1 bag rocks and worked on air leaks Very good. Thank you.
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/1 5:20 PM  
Charged tube mill with 1 bag rocks and worked on air leaks...
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/1 2:44 PM  
All bolts where really loose where motor mounts to skid all tightened...
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/1 2:40 PM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d16-a69d535c89e864ebcb90d5070120b85c/views/imgo]
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/1 11:49 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d17-6a52909e40b45f4421e8ba4e7807d2c7/views/imgo]
- 
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JT** Jeremy Talbert 4/1 11:48 AM  
G40 return scroll end bearing and replace 1 hanger bearing and tighten 1 other...
-

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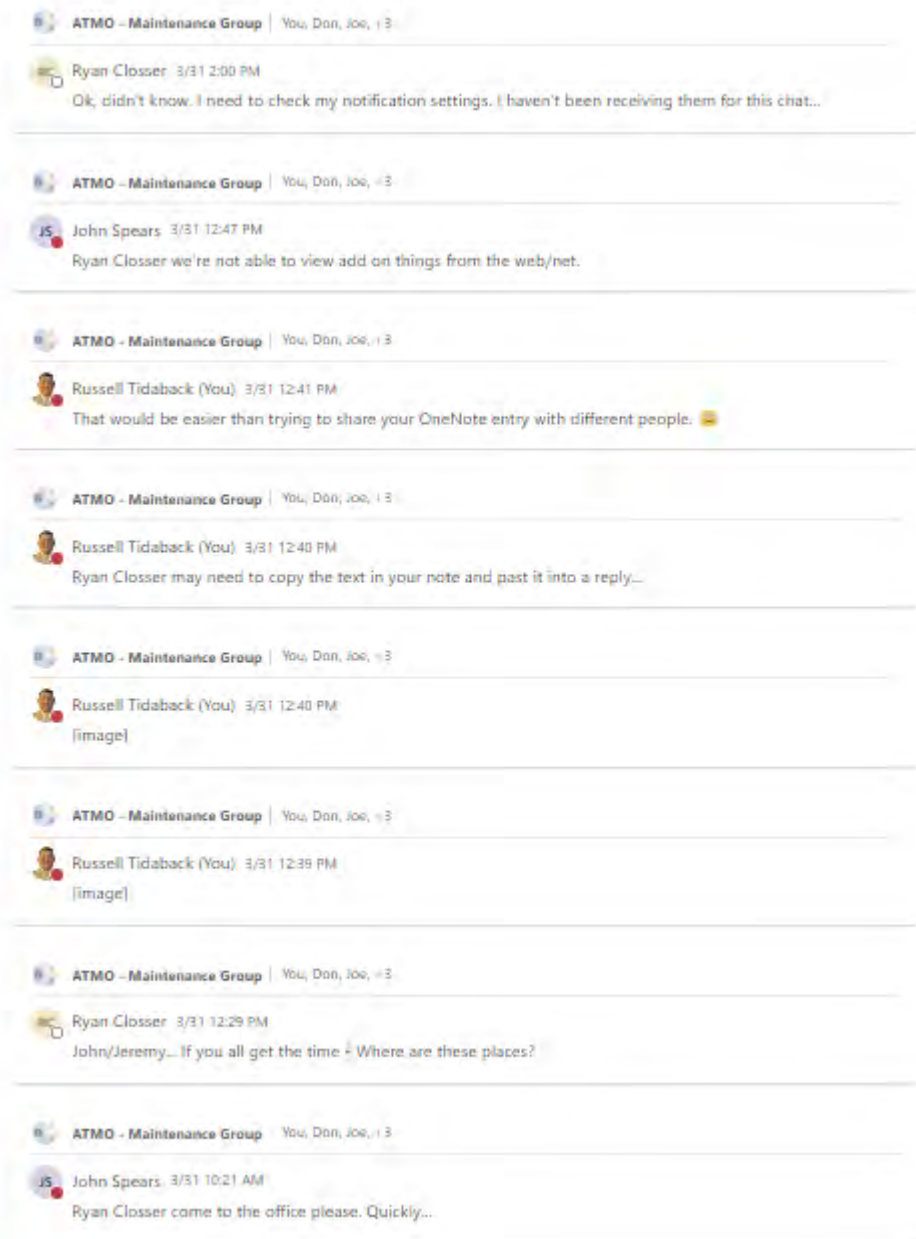


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ATMO - Maintenance Group | You, Don, Joe, 13

RYC Ryan Closser 3/31 9:57 AM  
Jeremy, where exactly are you at?

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/30 6:03 PM  
Jeremy Talbert Does the quarry have different **maintenance** people or are we responsible for that as well greasing and fluid checks and cleaning air filters etc just wondering i have more experience with heavy equipment like that Quarry team is responsible for their equipment.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/30 6:01 PM  
Sure thing. Sounds good.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/30 6:00 PM  
I have pictures on my phone of one that i built at my last job i just cant get from my photos to team ill show you tomorrow john I made with 1" althread and some plate...

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/30 5:56 PM  
To the best of Max's knowledge there is no slack adjustment. The pot belly look of the chain/belt keeps it pulled down on to the drive sprocket.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/30 5:55 PM  
Does the quarry have different **maintenance** people or are we responsible for that as well greasing and fluid checks and cleaning air filters etc just wondering i have more experience with heavy equipment like that

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/30 5:41 PM  
Ive looked at that as well. I didnt see any mounts or broken welds. so I doubt there has ever been any kind of guide for as little as we use it...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/30 5:53 PM  
I looked yesterday nothing alot of weight to pull up when its running...

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**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**JS** John Spears 3/30 3:52 PM  
Jeremy Talbert Really need to do something about all the slack in feeder i dont see anyway to adjust slack i looked as well. Could not determine a slack adjustment from under the dump pit. Maybe next to the crusher throat. LOTO if you go there.

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**JT** Jeremy Talbert 3/30 3:50 PM  
Really need to do something about all the slack in feeder i dont see anyway to adjust slack...

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**JT** Jeremy Talbert 3/30 3:49 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d9-69ed9ade942ceb8ab74d5b88abbab15e/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d17-6a2a78dbb91a28b8ebb8c606a3e90a9c/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d12-0da47983504df8350ecaf167c36cf932/views/imgo]

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**JS** John Spears 3/30 2:15 PM  
Yes sir.

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**Russell Tidaback (You)** 3/30 2:14 PM  
no worries. Im sure he is busy with it all.

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**JS** John Spears 3/30 2:13 PM  
Haven't yet. Jeremy needed help this morning so I sent Ryan with him. I'll get him set up before the end of the day.

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**Russell Tidaback (You)** 3/30 2:11 PM  
Did we get Ryan Closser on Teams yet?

---

**ATMO - Maintenance Group** | You, Dan, Joe, + 3

---

**JS** John Spears 3/30 1:53 PM  
Robert Baumann John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again Dam it. Is the shaker usable today and tomorrow? Replace screen on Saturday?



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**ATMO - Maintenance Group** | You, Don, Joe, + 3

**RS** Robert Baumann 3/30 1:48 PM  
John Spears We have a middle screen in the oil room. We need a replacement top screen for sure in the near future. John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**RT** Russell Tidaback (You) 3/30 1:41 PM  
Believe it or not, the screen come in two screens on one. We just cut/trim out the screen we dont need.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**JS** John Spears 3/30 1:30 PM  
Russell Tidaback Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, Rob or Jim where this... We have a middle screen in the oil room. We need a replacement top screen for sure in the near...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**JT** Jeremy Talbert 3/30 1:22 PM  
Okay..

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**RT** Russell Tidaback (You) 3/30 1:04 PM  
Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, Rob or Jim where this screen may be as well.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**RT** Russell Tidaback (You) 3/30 1:02 PM  
for the filter pulse valves, bagger, and palletizer, yep, it is...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**JT** Jeremy Talbert 3/30 1:02 PM  
Keeping good air pressure is a main key to whole mill from what i can see...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**JT** Jeremy Talbert 3/30 1:01 PM  
Yes sir...

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ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 1:00 PM  
Let John know about how many air regulators are needed.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 1:00 PM  
Amen and I am glad you and Ryan are there making the place better and more efficient.

ATMO - Maintenance Group | You, Don, Joe, + 3

JT Jeremy Talbert 3/30 12:58 PM  
Just like the gas leaks been loosing \$\$\$ for a while we really need a couple more air regulators installed in places there are random valves all through air line system so have no idea of air pressure at important places around mill..

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/30 12:56 PM  
Pictures, places, sizes, part description please...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 12:54 PM  
yep, thanks for tackling this. To me, leaking air is like leaking water... just \$\$\$ wasted down the drain.

ATMO - Maintenance Group | You, Don, Joe, + 3

JT Jeremy Talbert 3/30 12:53 PM  
Still loosing air in a few places need some fittings to fix...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 12:53 PM  
lol..

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 12:53 PM  
[youre awesome bill murray GIF (GIF Image)]

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ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:52 PM  
I will weld in am before start up...

ATMO - Maintenance Group | You, Dan, Joe, +3

Russell Tidaback (You) 3/30 12:52 PM  
Yep, good call. dont want to energize the base with electricity being applied elsewhere.

ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:51 PM  
Right by small overhead door i dont want to weld while motor is running...

ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:51 PM  
[https://us-api.asmskype.com/v1/objects/0-eus-d10-67ffe4d86e1baac3114c72787c6989e/views/imgc]

ATMO - Maintenance Group | You, Dan, Joe, +3

Russell Tidaback (You) 3/30 12:51 PM  
the pulverizer?

ATMO - Maintenance Group | You, Dan, Joe, +3

Russell Tidaback (You) 3/30 12:50 PM  
Awesome. What piece of equipment is this?

ATMO - Maintenance Group | You, Dan, Joe, +3

JS John Spears 3/30 12:50 PM  
Very good.

ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:50 PM  
Yes i can weld it just need to grind a groove...

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ATMO - Maintenance Group | You, Don, Joe, + 3

John Spears 3/30 12:49 PM  
Jessie and I are headed to the quarry and drying sheds for fire Extinguisher checks.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 12:45 PM  
Can you weld it? Jeremy Talbert It looks to be a steel plate...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 12:44 PM  
Is that a crack on the mount? What equipment?

ATMO - Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/30 12:44 PM  
Frame is broke might be why sounds like hell in morning when we start up...

ATMO - Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/30 12:43 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-cus-d9-42d938df4f1475ee478a255626e8a691/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-cus-d9-42d938df4f1475ee478a255626e8a691/views/imgo)

ATMO - Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/30 12:43 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-cus-d10-a703f4bcb199d0e523d812715ca471e8/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-cus-d10-a703f4bcb199d0e523d812715ca471e8/views/imgo)

ATMO - Maintenance Group | You, Don, Joe, + 3

John Spears 3/30 12:07 PM  
Jeremy Talbert Ryan Classer All high speed equipment will need greased today.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/30 12:02 PM  
This way the **maintenance** team can review, prioritize, and work on them. I just dont want these findings to get lost in the daily shuffle.

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**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 3/30 12:01 PM  
...For these kind of non-urgent notifications, use the **Maintenance** List on the Mill Plant **Group**...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

JM 3/30 11:56 AM  
Cage out front is broken...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

JM 3/30 11:56 AM  
(https://us-api.asm.skype.com/v1/objects/0-cus-d16-c9f9c24111fd12fa7fa8d5482cd4e6f2/views/imgo)

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**ATMO - Maintenance Group** | You, Don, Joe, 13

JM 3/30 11:48 AM  
(https://us-api.asm.skype.com/v1/objects/0-cus-d4-0169e2b63ac0fad5aacbaf6cbaa57fe0/views/imgo)

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**ATMO - Mill Mgmt** | You, Don, John, 12

Russell Tidaback (You) 3/30 10:38 AM  
As mentioned, I believe we have a good **group** of guys now that can make things happen...He needs Robs input, Alex's input, the **maintenance** team input to make good, sound decisions.

---

**ATMO - Mill Mgmt** | You, Don, John, 12

Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**  
"guys we are charging the tube Mill and sealing up the elevator first thing in the morning" ... okay, this is probably a good segway to bring us back together and iterate the importance of production urgency. The daily production goal is 50k lbs produced. Produced meaning to the final step of being stretch wrapped. The...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

JT 3/30 9:37 AM  
(https://us-api.asm.skype.com/v1/objects/0-cus-d4-23ab824d7c6827489cbe5eddb8d7e7628/views/imgo)

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**ATMO - Maintenance Group** | You, Don, Joe, 13

JS 3/29 4:21 PM  
Jeremy Talbert Need a plug for last pic but no leaks in gas line that i can see Very good. I'll get one from the hardware store.



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ATMO Maintenance Group | You, Don, Joe, 13

JS John Spears 3/29 4:21 PM  
Jeremy Talbert Need a plug for last pic but no leaks in gas line that i can see Very good. I'll get one from the hardware store.

ATMO Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/29 4:20 PM  
Need a plug for last pic but no leaks in gas line that i can see...

ATMO Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/29 4:20 PM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d3-5fc3d9824bc004874da9e3a5b38fb7be/views/imgo]

ATMO Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/29 4:19 PM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d2-88116e7259d90c0289de0caf58e5119e/views/imgo]

ATMO Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/29 4:19 PM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d5-2023dff559d81b857b720d763686d443/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-eus-d14-dae84adfeb79d90d97f1f1cea2a8c97b/views/imgo]

ATMO Maintenance Group | You, Don, Joe, 13

JS John Spears 3/29 2:58 PM  
Jeremy Talbert So many loose connections needs tevlin taped again take to much time Right on!

ATMO Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/29 2:58 PM  
So many loose connections needs tevlin taped again take to much time...

ATMO Maintenance Group | You, Don, Joe, 13

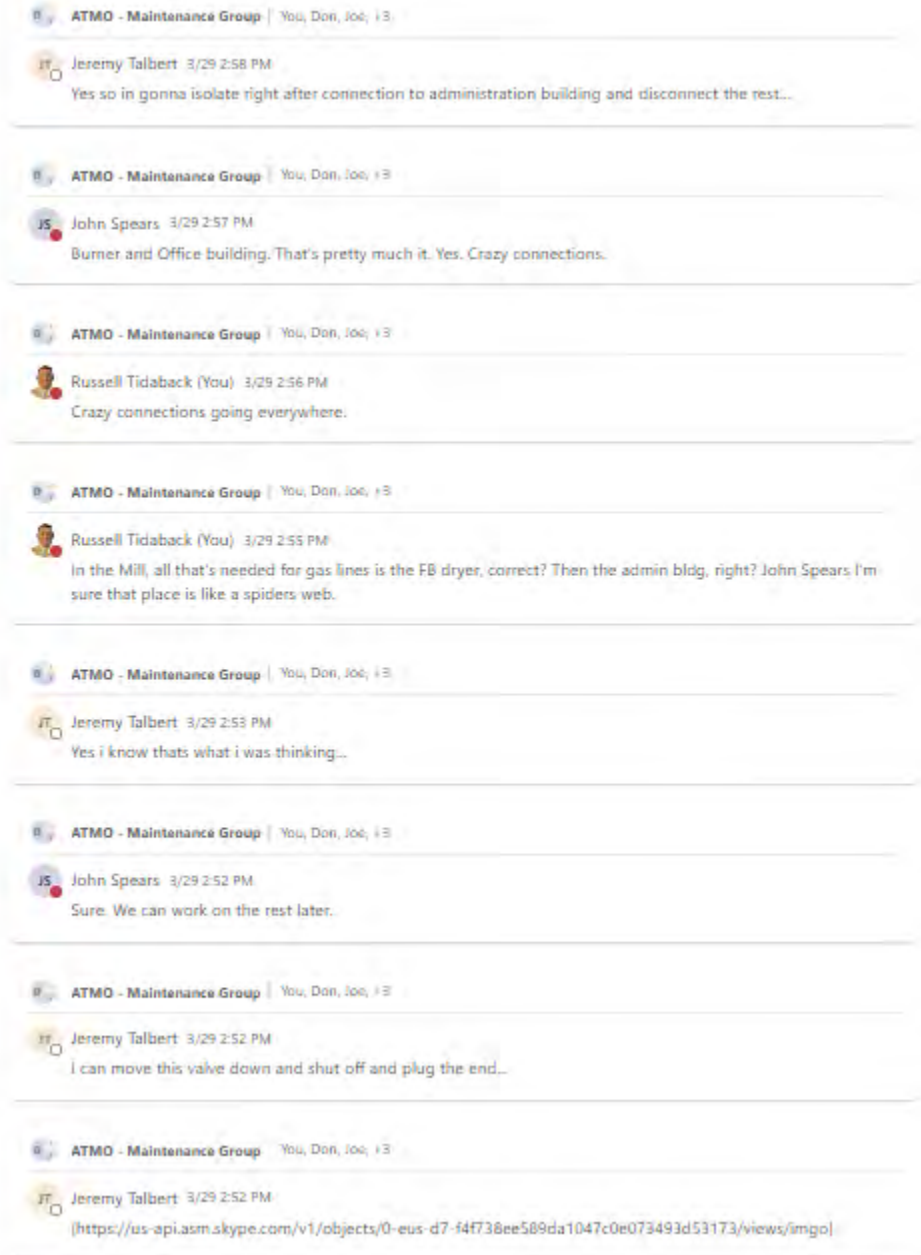
JT Jeremy Talbert 3/29 2:58 PM  
Yes so in gonna isolate right after connection to administration building and disconnect the rest...

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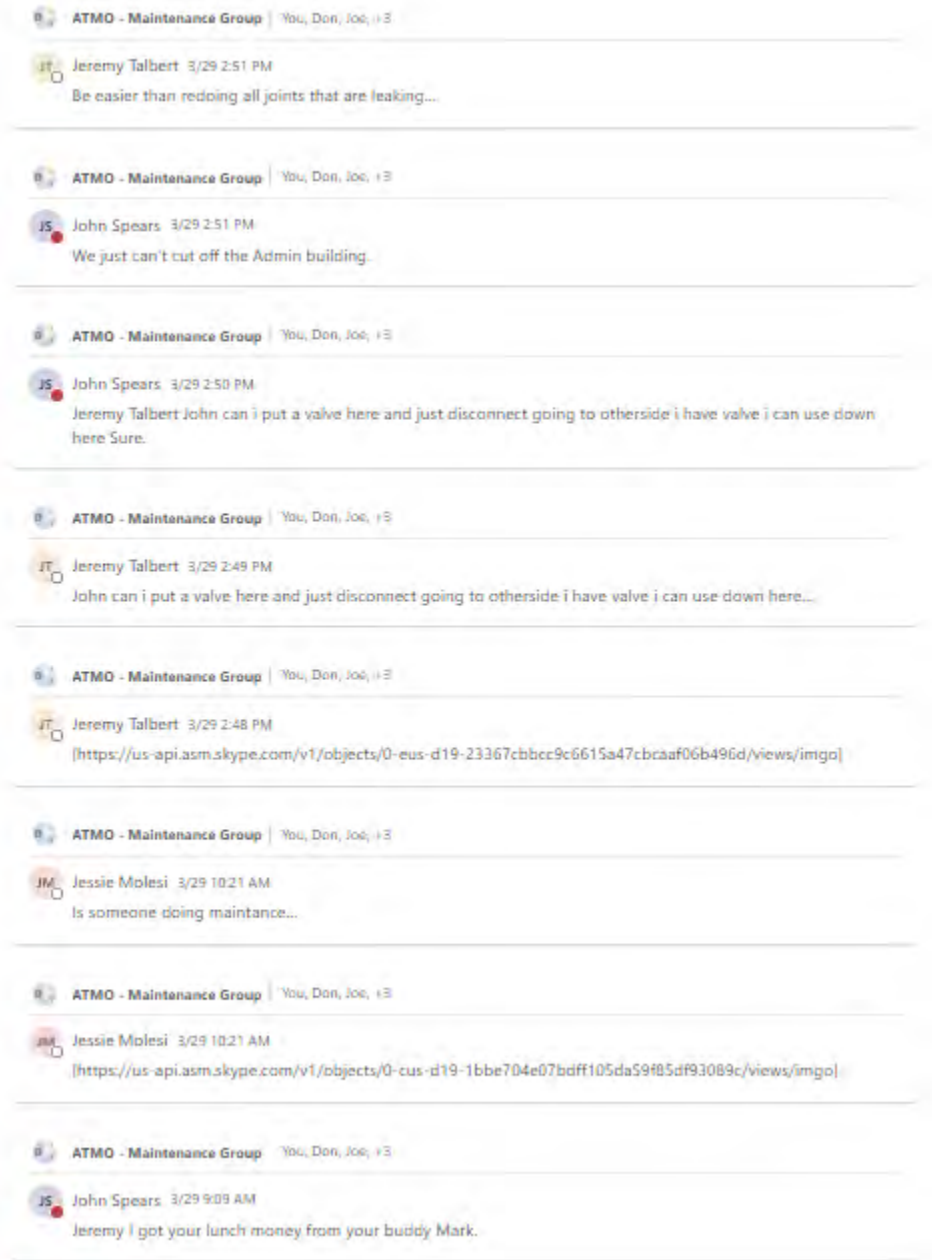


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ATMO - Maintenance Group | You, Dan, Joe, +3

JS John Spears 3/27 5:36 PM

Jeremy Talbert please Be sure to snap a picture when you complete a project. We'll need to give everything a good greasing first thing tomorrow. Thanks again and have a good evening.

ATMO - Maintenance Group | You, Dan, Joe, +3

JM Jessie Molesi 3/27 2:32 PM

It is in the second floor...

ATMO - Maintenance Group | You, Dan, Joe, +3

JS John Spears 3/27 2:29 PM

Jeremy Talbert ask Jessie where this busted strap is located. Please.

ATMO - Maintenance Group | You, Dan, Joe, +3

JM Jessie Molesi 3/27 2:27 PM

[https://us-api.asm.skype.com/v1/objects/0-cus-d7-1b50b91f77a027f7546f8fff0d2d4c9d/views/imago]

ATMO - Maintenance Group | You, Dan, Joe, +3

JM Jessie Molesi 3/27 9:56 AM

Robert Baumann Thank you for catching that.

ATMO - Maintenance Group | You, Dan, Joe, +3

JS John Spears 3/27 9:54 AM

Thank you. Yep, we gotta keep reminding everyone.

ATMO - Maintenance Group | You, Dan, Joe, +3

RB Robert Baumann 3/27 9:52 AM

Ok I locked the breaker out for the screen shaker's we got to remember to lock things out when we are working on them...

ATMO - Maintenance Group | You, Dan, Joe, +3

JS John Spears 3/27 9:39 AM

Ok. We'll give it a little longer. Jeremy and Jim are working on tightening a drive belt on the classifier. The putty had plenty of time to set up yester afternoon and last night. We're not not to wait. We get a little hot-dry product on top of it and it will set up quick.

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**ATMO - Maintenance Group** | You, Don, Joe, + 3

Robert Baumann · 3/27 9:20 AM

John Spears Jeremy Talbert Jim and I worked on the 4th floor vibrator. You'll need to help him put the doors back on. We left them off so the patch compound could dry overnight. Patch compound did not set up. John Spears...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

Russell Tidaback (You) · 3/26 11:23 PM

Thanks John Spears...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

JS · 3/26 9:36 PM

Jeremy Talbert Jim and I worked on the 4th floor vibrator. You'll need to help him put the doors back on. We left them off so the patch compound could dry overnight.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

JS · 3/26 9:32 PM

Nice catching those pulse valves for a good deal.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

Russell Tidaback (You) · 3/26 7:03 AM

[image]

**ATMO - Maintenance Group** | You, Don, Joe, + 3

JS · 3/25 9:01 PM

Jeremy Talbert are you available to help Jim and I tomorrow to replace the shaker screens? I'll be glad to come by and pick you up in the morning.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

Russell Tidaback (You) · 3/25 8:00 AM

Good Morning. While we are ordering three, possibly five, replacement diaphragm pulse valves (these are getting harder and harder to find since it is old technology) and we have repair kits on-hand already, lets repair what we have. I am researching, changing from a pneumatic to an electromechanical pulse valve system...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

Russell Tidaback (You) · 3/24 5:50 PM

Thanks guys!

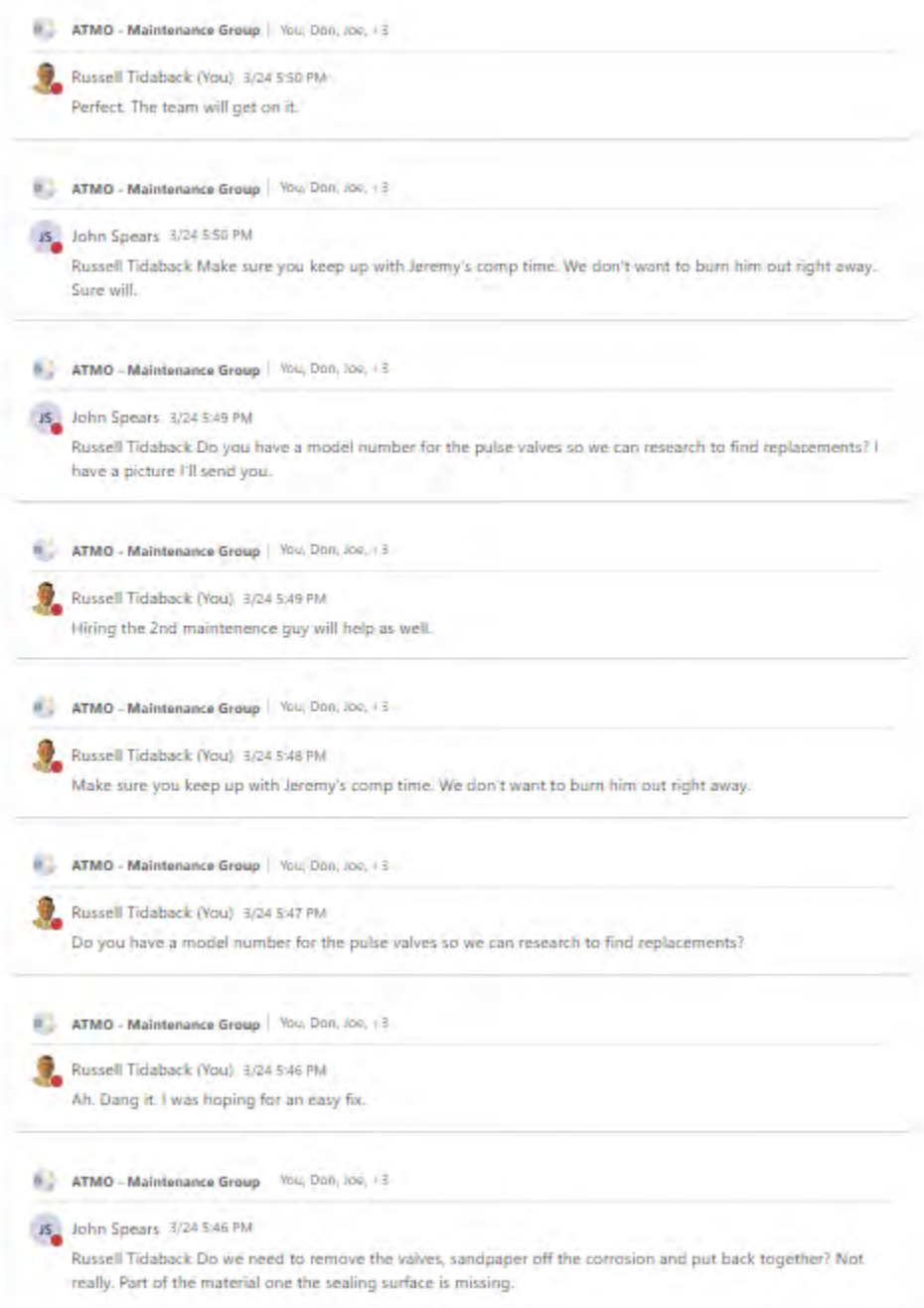
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**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/24 5:45 PM  
Jeremy Talbert I'm out of town tomorrow but if you we can come to the mill one Sunday. I'll come get you.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**R** Russell Tidaback (You) 3/24 5:44 PM  
Do we need to remove the valves, sandpaper off the corrosion and put back together?

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/24 5:43 PM  
Russell Tidaback I think we have the rebuild kits for the pulse valves. Correct, John Spears ? We have extra diaphragms but three of the pulse valves have corroded edges and do not want to seal. I was hoping that they would seal because new pulse valves are \$250 each.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**R** Russell Tidaback (You) 3/24 5:42 PM  
Did all the mill associates get their 40 hours this week? If not John Spears maybe they will want to come in and work some hours over the weekend to get these repaired. We don't want to use production schedule time to do **maintenance**.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 3/24 5:40 PM  
I will check monday am...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**R** Russell Tidaback (You) 3/24 5:39 PM  
Perfect.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 3/24 5:39 PM  
I think i saw the rebuild kits in **maintenance** office in cabinet.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**R** Russell Tidaback (You) 3/24 5:39 PM  
I think we have the rebuild kits for the pulse valves, Correct, John Spears ?

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**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/24 5:38 PM  
Jeremy Talbert Seems we are losing alot to box outside Yes. We need to replace three of the pulse valves.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 3/24 5:38 PM  
Jeremy Talbert Seems we are losing alot to box outside Yep, need to revist the diaphragms and see which ones need rebuilt.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 5:37 PM  
Yes we closed about half way and the inside tanks went from 100-140 psi...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 5:37 PM  
So with no regulator outside no way to see how much air is going to valves...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 3/24 5:36 PM  
So can you close the on off valve half way to build pressure?

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 5:36 PM  
Seems we are losing alot to box outside...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 3/24 5:36 PM  
Jeremy Talbert If you shut off air valve to outside it builds up to 125 psi when opened it goes to barely 87 and if im correct for those valve to fire correctly needs 90-100 Yep, that's definitely a problem.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/24 5:35 PM  
Russell Tidaback No leaks Fantastic.



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**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 3/24 5:35 PM  
If you shut off air valve to outside it builds up to 125 psi when opened it goes to barely 87 and if im correct for those valve to fire correctly needs 90-100...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 3/24 5:35 PM  
No leaks...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 3/24 5:34 PM  
Jeremy Talbert i installed nee regulator upstairs i took a pic but cant find it Upstairs regulator working good now?

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 3/24 5:34 PM  
Okay, so we need to order another regulator?

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 3/24 5:33 PM  
Yes air box outside...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 3/24 5:33 PM  
I installed nee regulator upstairs i took a pic but cant find it...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 3/24 5:33 PM  
You referencing the filter box outside?

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 3/24 5:32 PM  
I think needs Air regulator where shut off valve is it was wide open...

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**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/24 10:51 AM  
Very good!

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 10:08 AM  
Me and jim are repairing at this time...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 10:08 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d13-ed67c1325fa8caf910544d8bae086bbe/views/imgo]

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 10:08 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d10-da5e840f6115fd789910306deea319d9/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-eus-d16-b5111338b4700ebdc7d55a52abd0ed1d/views/imgo]  
Vibrator to screen bolts have no nuts or washers...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/23 7:03 PM  
Jeremy Talbert Thanks for being patient alot to take in so ill be asking alot of questions Thanks a bunch. We'll sit down together and look over the **maintenance** folders in Teams. I certainly appreciate your "get after it" mind set. I'll be there to help as well. Thanks again.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/23 6:50 PM  
Thanks for being patient alot to take in so ill be asking alot of questions...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RS** Robert Baumann 3/23 6:48 PM  
Thank you for jumping in and helping today I appreciate it and value your opinion...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**R** Russell Tidaback (You) 3/23 6:48 PM  
Yes, sir. We are glad to have you onboard with us. Let us know if you have questions. one key note...if you come across a file that you feel we no longer need, put it in a folder called " Old Files". This way we can review them and delete if necessary.

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ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 3/23 6:46 PM

I found the tab for where i do **maintenance** check sheet once i figure out phone and laptop stuff i think should be okay thank you for opportunity to do position

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:32 PM

no such this as over collaboration. 🤔

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 4:32 PM

Good deal.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:32 PM

As you guys gain more experience... you'll find "new" ways of doing things and this is good. We are all on the same team and anything that makes it easier, we should all be open too.

ATMO - Maintenance Group | You, Don, Joe, +3

Jordan Tidaback 3/23 4:31 PM

If you need to see what the mill guys are putting in the daily workplace exam or forklift exam, you can find it here. [image]

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:31 PM

We try to use forms more than a spreadsheet for ease of use.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:31 PM

A lot of documents you'll see were created but they didnt keep the spreadsheet. So it may be necessary to recreate to capture the data.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:30 PM

Jessie Molesi ok sorry for the confusion. oh no, no confusion. Questions are good! Im glad you found the equipment inspection document.



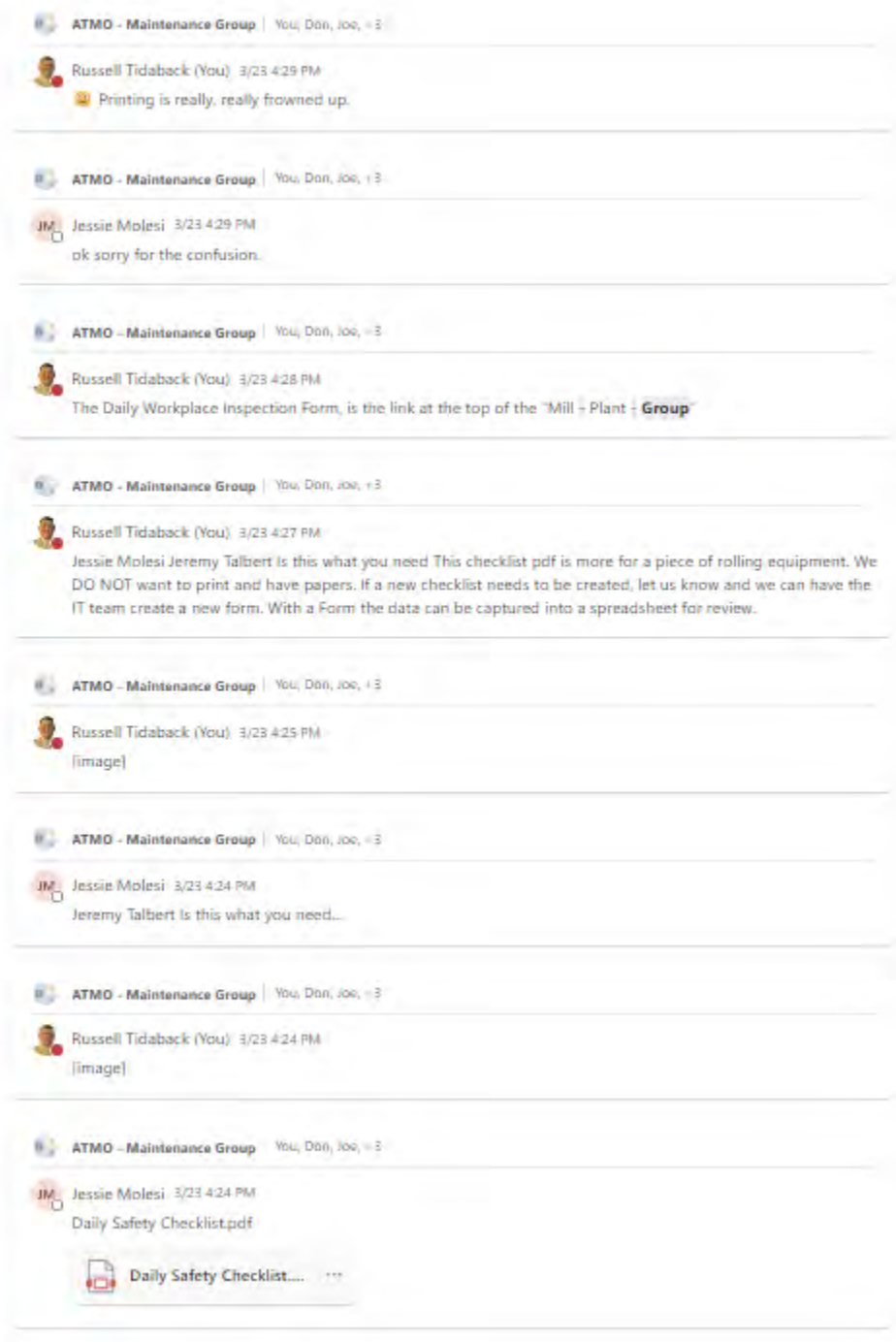
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**ATMO - Maintenance Group** | You, Don, Joe, +3

**TT** Jeremy Talbert 3/23 4:23 PM  
Can you please direct me to the workplace safety check sheet...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/23 3:12 PM  
Interviewing a **maintenance** applicant. Be there directly.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/23 2:53 PM  
on my way.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**RB** Robert Baumann 3/23 2:52 PM  
John Spears the system did the same thing as yesterday all going back to return trying to get it figured out...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/23 2:45 PM  
Some of the joints have rusted in the threaded area and doing so has caused holes because the wall is thinner. Rob has found a few joints that need reworked.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 3/23 2:31 PM  
yep, we really need to get the air system to stop bleeding air out. disconnect whats not being used, vulcanized rubber around the joints, etc...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 3/23 2:30 PM  
perfect!

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/23 2:27 PM  
Russell Tidaback One will be delivered tomorrow, per Amazon. Just that one on the 4th floor for now. The leaking one on the bag sealer can be unhooked. Don't use it anyway.

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ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:23 PM  
[image]

---

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:22 PM  
One will be delivered tomorrow, per Amazon.

---

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:21 PM  
do we only need one?

---

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:19 PM  
Looks like 1/4 npt.

---

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:18 PM  
ah... ok. Good pic!

---

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 3/23 2:18 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d19-084710acf07554f8ac66713d815f79a8/views/imgo]

---

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 3/23 2:18 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d1-99bdcdd1cc2876b3bc17c628b44da0374/views/imgo]

---

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 3/23 2:18 PM  
1/4" but filter is 1/2 in and out has adapters from 1/4 male to 1/2" female...

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ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:17 PM  
Jeremy is checking.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:16 PM  
are the airlines 1/4"?

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:16 PM  
That'll do!

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:16 PM  
John Spears How long to get it here? Amazon, says tomorrow...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:15 PM  
Plenty of them out there <\$50... just need to find the specs and get one or two...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:15 PM  
Russell Tidaback heres another one... [image] How long to get it here?

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:14 PM  
Max input 250 psi, out 60 psi... from the pic of the one using right now.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:13 PM  
heres another one... [image]

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---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:12 PM  
haha, good question...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

John Spears 3/23 2:12 PM  
Russell Tidaback We need to get one quickly for the 4th floor compressor but we also need to be cognizant of cost... Is that one coming from China with a big shipping fee?

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:12 PM  
If I am not mistaken the regulator on the 4th floor is leaking, the bigger regulator is leaking... just trying to figure out how many we need to replace.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:10 PM  
We need to get one quickly for the 4th floor compressor but we also need to be cognizant of cost... [image]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 3/23 2:07 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d8-49b180f63068427db35b768a4bc57356/views/imgo] Tractor supply has a few different one it shows online...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:05 PM  
Is that 1/4 in line?

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 3/23 2:05 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d1-a77834c5875ac4c835c883b17f9eb8a6/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 3/23 2:04 PM  
Okay...

---



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**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/23 1:59 PM  
Jeremy Talbert Okay maybe hyspeco in joplin Forgot about them.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/23 1:59 PM  
Atwoods or tractor supply...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/23 1:59 PM  
Probably Joplin supply as well.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/23 1:59 PM  
Okay maybe hyspeco in joplin...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 3/23 1:59 PM  
yep, im thinking more of harbor freight, graingers, etc...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/23 1:58 PM  
The hardware store and O'Reilly did not have one.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 3/23 1:57 PM  
John Spears Jeremy Talbert...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 3/23 1:57 PM  
Can you tell me what the pressure is on the guage. There is a huge difference between 150 psi and 250 psi...

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ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/23 1:02 PM  
Looking for one now. Robert Baumann...

ATMO - Maintenance Group | You, Don, Joe, + 3

RB Robert Baumann 3/23 1:01 PM  
John Spears Jeremy and I have searched everywhere and not one in the shop...

ATMO - Maintenance Group | You, Don, Joe, + 3

JT Jeremy Talbert 3/23 12:43 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-b2ecde7e9ec25cf482033d247ee1c5a3/views/imga]

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/23 12:43 PM  
Thank you. Great picture.

ATMO - Maintenance Group | You, Don, Joe, + 3

JT Jeremy Talbert 3/23 12:43 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d14-9157b0cabaf937c37030ad9cc8181da7/views/imga]

ATMO - Maintenance Group | You, Don, Joe, + 3

JT Jeremy Talbert 3/23 12:42 PM  
Yes i am now...

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/23 12:17 PM  
Jeremy Talbert respond please. I need to know if you are receiving these messages.

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/23 12:06 PM  
Jeremy Talbert send the valve pictures in the Teams chat.

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ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/26 12:01 PM

Gage Wheeler I am very disappointing in hearing this and your two week notice. I had higher hopes and expectations for you. I hope this is due to you moving back to Arkansas / family related / etc and not due to the job. Will you be there at the Mill tomorrow?

ATMO - Maintenance Group | You, Don, Joe, 13

GW 2/26 11:51 AM

I just spoke with John I am in Arkansas also as of effective tomorrow I am putting in my two week notice...

ATMO - Maintenance Group | You, Don, Joe, 13

JS 2/26 10:34 AM

Gage Wheeler RJ and I are at the mill replacing a couple of power cords. RJ is going to help you with the bagger/packer today.

ATMO - Maintenance Group | You, Don, Joe, 13

JS 2/25 7:41 PM

Russell Tidaback hmmm... I told him that we need to get the bagger up and going before 8am Monday. Not at 8am, but before, production is scheduled to start at 8am. I've never used the ATF-Acetone...

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/25 7:40 PM

hell of a lot cheaper than Kroil too.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/25 7:39 PM

John Spears Kroil is good stuff. Yeah, I'm going to try the ATF-Acetone next time for penetrating fluid.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/25 7:39 PM

hmmm... I told him that we need to get the bagger up and going before 8am Monday. Not at 8am, but before, production is scheduled to start at 8am.

ATMO - Maintenance Group | You, Don, Joe, 13

JS 2/25 7:37 PM

Russell Tidaback Did Gage Wheeler reply to you? Not yet.

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ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/25 7:37 PM  
Did Gage Wheeler reply to you?

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/25 7:36 PM  
Kroil is good stuff.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/25 4:53 PM  
Something to think about... kroil is still widely used today but is expensive! (Selected photo)

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/25 3:43 PM  
Gage Wheeler Good afternoon. What time do you plan to be here tomorrow so I can coordinate some help for you?

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/24 9:31 PM  
John Spears just so I don't forget... I just spoke with Gage Wheeler, he will not be available Saturday and should be available Sunday. I asked him to post here the game plan so you can coordinate to have someone else assist him on Sunday to get the bagger working before Monday morning.

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/23 11:46 AM  
Also got done two electrical citations done as well...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/21 8:48 AM  
John Spears on the old light fixtures that we just replaced, please take a couple pictures of the bulb sockets from different angles. I need to show that by manufacturer design they aren't a shock hazard.

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/20 4:38 PM  
Gage Wheeler I wired in a light switch lol i just need the air on to test so does have to be tomorrow after the inspection? Cause if it does no big deal cause if it doesnt work now i just have to make a 4in jumper... Very good. Thank you.

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---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Gage Wheeler 2/20 4:17 PM  
I wired in a light switch lol i just need the air on to test so does have to be tommorw after the inspection?  
Cause if it does no big deal cause if it doesnt work now i just have to make a 4in jumper wire...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/20 3:37 PM  
Sure thing.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 2/20 3:35 PM  
I'd like to be ready to run bags tomorrow.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 2/20 3:34 PM  
Perfect. Hopefully the inspector will be there early and we will get to producing. Since that's done, can we get some time on the bagger switch?

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/20 3:32 PM  
All of the citations are covered.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/20 3:32 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d13-44ad4e32d7b5fc9f12228b7157e6e769/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d10-56fbc935e5fe42dde319bcf71e53e1fb/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d16-611fefec31bb774f1699919aes77931f/views/imgo]...

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**ATMO - Maintenance Group** | You, Don, Joe, 13

Gage Wheeler 2/20 12:30 PM  
[Media]

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Gage Wheeler 2/20 12:29 PM  
[Media]

---

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**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/20 10:56 AM  
We left at 3pm sorry im not get notifications on this thing anymore..

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/18 7:14 PM  
Gage Wheeler what time did y'all leave today?

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/18 4:33 PM  
Gage Wheeler All the lights are done Fantastic!

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/18 3:52 PM  
Great. Looks good. Make sure you post here when you and Andrew are done and leave for the day.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/18 1:24 PM  
All the lights are done...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/18 1:24 PM  
[Media]

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/18 10:08 AM  
What is the code for the security...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/17 4:42 PM  
Ok whats you ETA back to the mill...

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ATMO - Maintenance Group | You, Dan, Joe, 13

JS John Spears 2/17 4:37 PM

The ones I have from Home Depot are just the plunger end. Will a few of the older flat ends work if two plunger ends will not? Otherwise I have 7 for sure pairs.

ATMO - Maintenance Group | You, Dan, Joe, 13

GW Gage Wheeler 2/17 4:38 PM

And how many is that cause I need 9 sets...

ATMO - Maintenance Group | You, Dan, Joe, 13

JS John Spears 2/17 4:32 PM

Enough to finish and a couple of spares.

ATMO - Maintenance Group | You, Dan, Joe, 13

GW Gage Wheeler 2/17 4:31 PM

If you have those sockets we are good to go how many did you get...

ATMO - Maintenance Group | You, Dan, Joe, 13

JS John Spears 2/17 4:30 PM

Gage Wheeler I have the tamstones. What type of lights do we need to finish the job?

ATMO - Maintenance Group | You, Dan, Joe, 13

GW Gage Wheeler 2/17 4:29 PM

And do you have a plan for placement since at least one will need a box, socket and cover? these can be linked... I do not have a plan for place ment just yet. Whatvis the staus of rhe other socket end John Spears...

ATMO - Maintenance Group | You, Dan, Joe, 13

JS John Spears 2/17 4:16 PM

Looks good. I'll check in with them tomorrow.

ATMO - Maintenance Group | You, Dan, Joe, 13

Russell Tidaback (You) 2/17 4:07 PM

[image] John Spears - <https://www.harborfreight.com/promotions...>

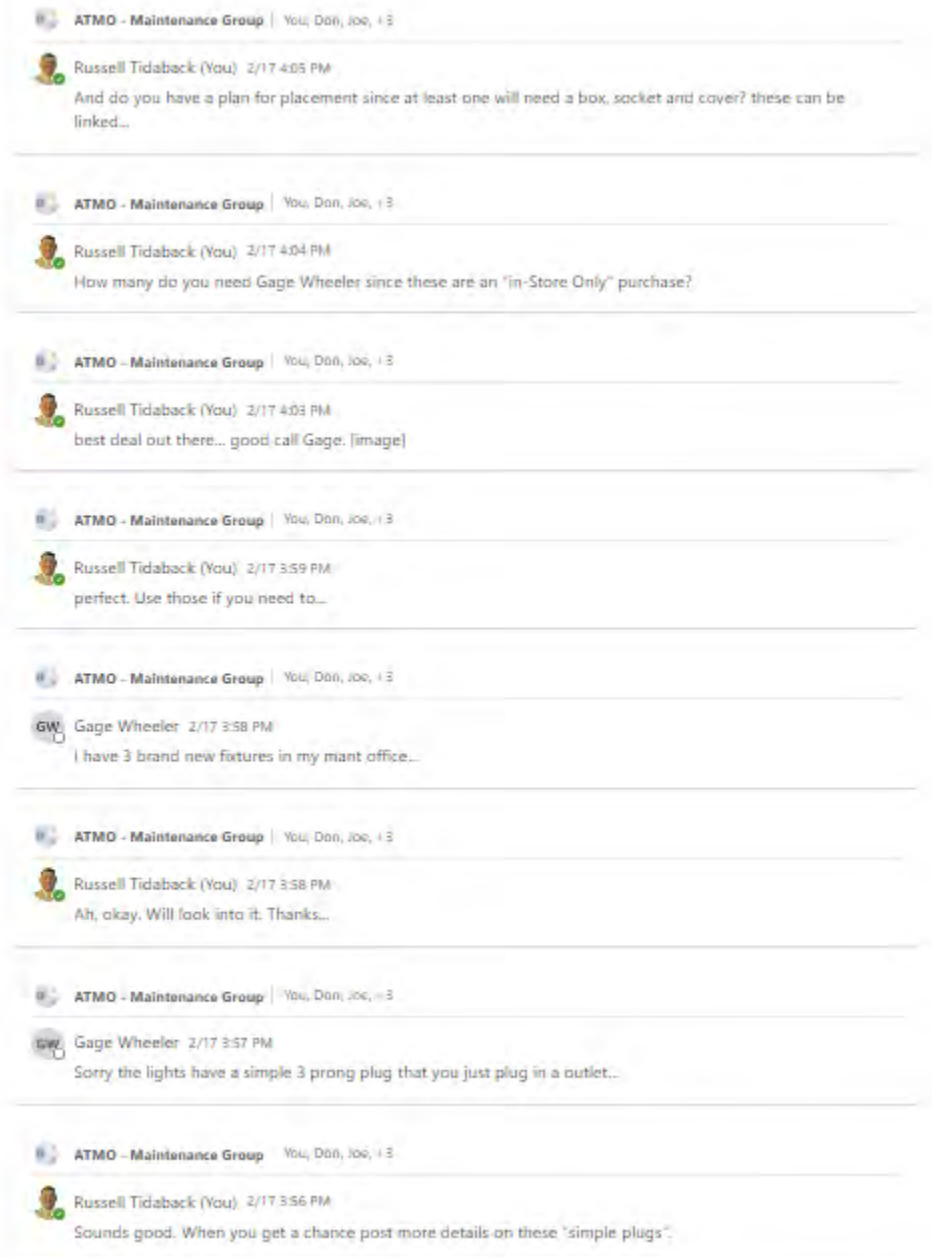


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ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/17 3:55 PM  
Harbor freight make some the simple plugs in if we cant find any..

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/17 3:55 PM  
looks good gage.

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/17 3:54 PM  
👍

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/17 3:44 PM  
I told them if we cant find any by tomorrow, then we need to look at buying all new fixture. If you have a fixture youd like LED preferably let us know.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/17 3:42 PM  
Crazy as it appears a lot of places are out of those sockets. Still searching for the,

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/17 3:42 PM  
Cool...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/17 3:41 PM

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/17 3:00 PM  
Robert Baumann 🇺🇸 They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total  
John Spears cheapest around Good deal. I'll be there tomorrow.

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- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- Robert Baumann 2/17 2:58 PM  
[Captured photo] They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total John Spears cheapest around...
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- Gage Wheeler 2/17 10:54 AM  
13 more set if someone can find them locally that would be cool john already bought all of them from lowes in neosho...
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- Gage Wheeler 2/17 10:48 AM  
I need more of these...
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- Gage Wheeler 2/17 10:48 AM  
[Media]
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- John Spears 2/17 10:01 AM  
Gage Wheeler **maintenance** meeting.
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- Russell Tidaback (You) 2/15 1:22 PM  
Any citation that has been abated, please let me know ASAP. We are suppose to contact Mr. Shawn Pratt about each one. So he can verify that it was abated in their system. (think email trail)
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- John Spears 2/15 1:20 PM  
Sounds good.
- 
- ATMO - Maintenance Group** | You, Don, Joe, +3
- 
- Russell Tidaback (You) 2/15 1:20 PM  
I am CCing you in on the Conference Request email to Mr Tony Simms on the few citations that I believe there is nothing we can do about them.
-

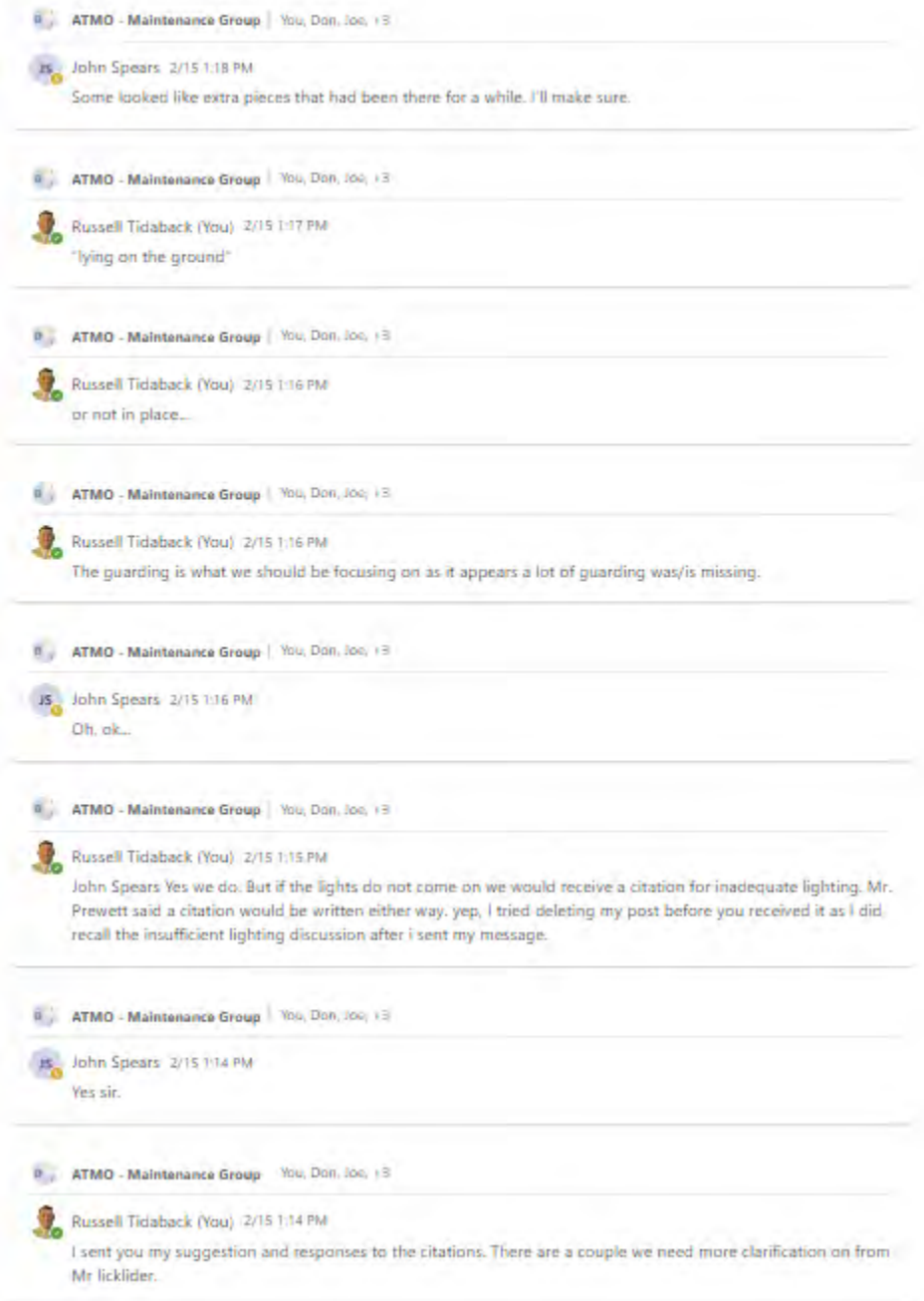


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- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- JS** John Spears 2/15 1:14 PM  
Russell Tidaback John, do we not have a bulb to put into the socket to abate the light socket issue? Yes we do. But if the lights do not come on we would receive a citation for inadequate lighting. Mr. Prewett said a citation would be written either way.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- JS** John Spears 2/15 12:38 PM  
On my way to get electrical parts.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Jordan Tidaback** 2/14 12:49 PM  
...The Ops Mgr and **maintenance** person usually work hand in hand when the inspector is there so we can fix the simple things quickly on site before he leaves...
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Russell Tidaback (You)** 2/14 12:49 PM  
Gage Wheeler Mike Peterson from Premier Tech is going to call you to help with the bagger.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Russell Tidaback (You)** 2/14 12:48 PM  
Aht... makes sense.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- GW** Gage Wheeler 2/14 12:40 PM  
Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector. Then whats this about and when i asked about it john said he didnt want me volunteering information because of the question i asked about a certin code to keep our...
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Russell Tidaback (You)** 2/14 12:36 PM  
Yep, I didn't think you did or would.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- GW** Gage Wheeler 2/14 12:34 PM  
And the only thing thats was asked that i told him was about the Ground testing documentation...
-

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**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/14 12:11 PM

There was no Volunteering information i was asking a question about a specific code that way we can get the right kind of material on the way to fix the guards so whe can be in complience so we can terminate the Citations...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/14 11:22 AM

Those are the best representative pictures I've seen so far.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/14 11:15 AM

MSHA Guide to Equipment Guarding <https://arlweb.msha.gov/s%26info/equipguarding2004.pdf...>

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/14 11:13 AM

[6:55 AM] John Spears I understand. I should have been more specific about not volunteering information. I will escort the inspector. like 1...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/14 7:35 AM

Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/13 2:29 PM

Gage Wheeler Did you get ahold of PremierTech?

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/13 2:12 PM

[https://us-api.asm.skype.com/v1/objects/0-cus-d3-5db94522a244a02b561643f4d37f48bb/views/imgo]

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/13 2:11 PM

These two openings will a cover.



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**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 2/13 11:54 AM  
Russell Tidaback It probably has to do with the cold weather/temp of the fuel coming in. I was thinking the same thing about the cold and not being used for two days.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 2/13 11:44 AM  
It probably has to do with the cold weather/temp of the fuel coming in.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 2/13 11:43 AM  
Robert Baumann for now, lets not turn the valve to idle. Just stop just short of idle in case there is carbon build up in the valve.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 2/13 11:17 AM  
I'll get a hold of Chuck from American Boiler and see if he thinks the valve is sticking.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RB** Robert Baumann 2/13 11:01 AM  
It keeps backing off even when it is set now something has to be going out and it seems like it's getting worse  
John Spears it will run fine for only a minute or two now temp keeps backing off randomly...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 2/13 10:56 AM  
I tapped on the green valve that has the modulator/actuator attached to it and the valve opened up. The modulator or the valve is sticking when the burner is reduced to idle.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Robert Baumann** 2/13 10:45 AM  
[Selected photo] [Selected photo] [Selected photo] Can't get the regulator to work on the burner system usually you tap on the regulator and it gets it going but now it won't work at all. Was working fine til now...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 2/13 10:12 AM  
They are in Colorado, i believe, so they are an hour behind. Troubleshoot what you can from the books, prepare your questions and call them in an hr.

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- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Gage Wheeler 2/13 10:10 AM  
ok...
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Russell Tidaback (You) 2/13 10:10 AM  
lets call PremierTech first...
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Gage Wheeler 2/13 10:10 AM  
ok well i can dig into it sure but i have to halt production of bluk bags also im gonna need a industrail electrian in here to help me...
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Russell Tidaback (You) 2/13 10:08 AM  
oh yea. I dont think it was anything youve done. Thats not what I was meaning.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Gage Wheeler 2/13 10:07 AM  
i can ensure you that i didnt cross a hose or wire cause i didnt mess with anything like that pretty much all ive done with make the air automated with a solinoid and make the mottor mannualy controled...
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Russell Tidaback (You) 2/13 10:07 AM  
when looking at the baggers.... keep in mind they are two seperate pieces of equipment. with the jerry rigging thats been done to them. Try to isolate the two machines and troubleshoot from there. We only have 3-4 days left of bulk bag orders so this needs to be an immediate priority.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Russell Tidaback (You) 2/13 10:06 AM  
We are contemplating one going ahead buying these, just to have as a contingency plan for the two we have now.
- 
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- 
- Russell Tidaback (You) 2/13 10:05 AM  
Russell Tidaback it will take them 4-6 weeks to get the packer to us. Lets focus on getting the packer working. They have to replace the controllers and have us send them a 50# and 100# bag to program it.
-

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ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/13 10:02 AM  
plus, someone mentioned something "started working" that jim states hasnt worked in years... what was that something and lets turn that off as it may be related electrically to the issue we are experiencing with the bagger.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/13 10:01 AM  
I dont think the PLC programming is the issue. Since we didnt mess with it, my thoughts are someone cross hooked a plug, wire, hose, etc on the machines while trying to help troubleshoot the valve issue.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/13 9:59 AM  
Make sure to call the PremierTech guys this morning. They are pretty good about helping. Just be advised that they will push to have one of their guys come out at \$15k for 2-3 days (air flights, hotels, per diem, etc). Thats a no-go at this time. 🙄

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/13 9:57 AM  
it will take them 4-6 weeks to get the packer to us. Lets focus on getting the packer working.

ATMO - Maintenance Group | You, Don, Joe, +3

GW: 2/13 9:44 AM  
its up to yall on which direction we wanna go...

ATMO - Maintenance Group | You, Don, Joe, +3

GW: 2/13 9:44 AM  
hey i checked out that bagger you put on there that will be a pretty easy install i clicked on the link and looked at the blue prints and it would take pretty minimal fabrication to install i also called them noone answered of course but if we are serious about that i can go out there and really dig into everything we...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 2/13 8:56 AM  
Gage Wheeler John Spears as soon as you get here can we get the belt back on the 11 Mac it threw one and we can check the other 2...

ATMO - Maintenance Group | You, Don, Joe, +3

GW: 2/10 6:26 PM  
Thats what i keep feeling like...

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ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 6:15 PM  
True... but nothing surprises me there. My conspiracy side says someone is f#king with us...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/10 5:57 PM  
I'm just not understanding how it goes from working 1 second and to not working the next...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/10 5:56 PM  
I don't think anyone's that savvy to mess with input wires for the PLC system...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:54 PM  
They said it has happened where an operator changed the cable and the sequence was triggering out of sequence...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:53 PM  
I told them I doubt anyone there is PLC experienced or have a laptop to see the language.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:52 PM  
Yeah... discussing with others... the cabling... could someone have while troubleshooting changed to cabling?

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/10 5:38 PM  
Left messages no return call tried to do my own digging and the only thing i was able to come up with is a fault input into the plc but i cant tell that without a laptop...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:36 PM  
Gage Wheeler Any luck on the Bagger support?

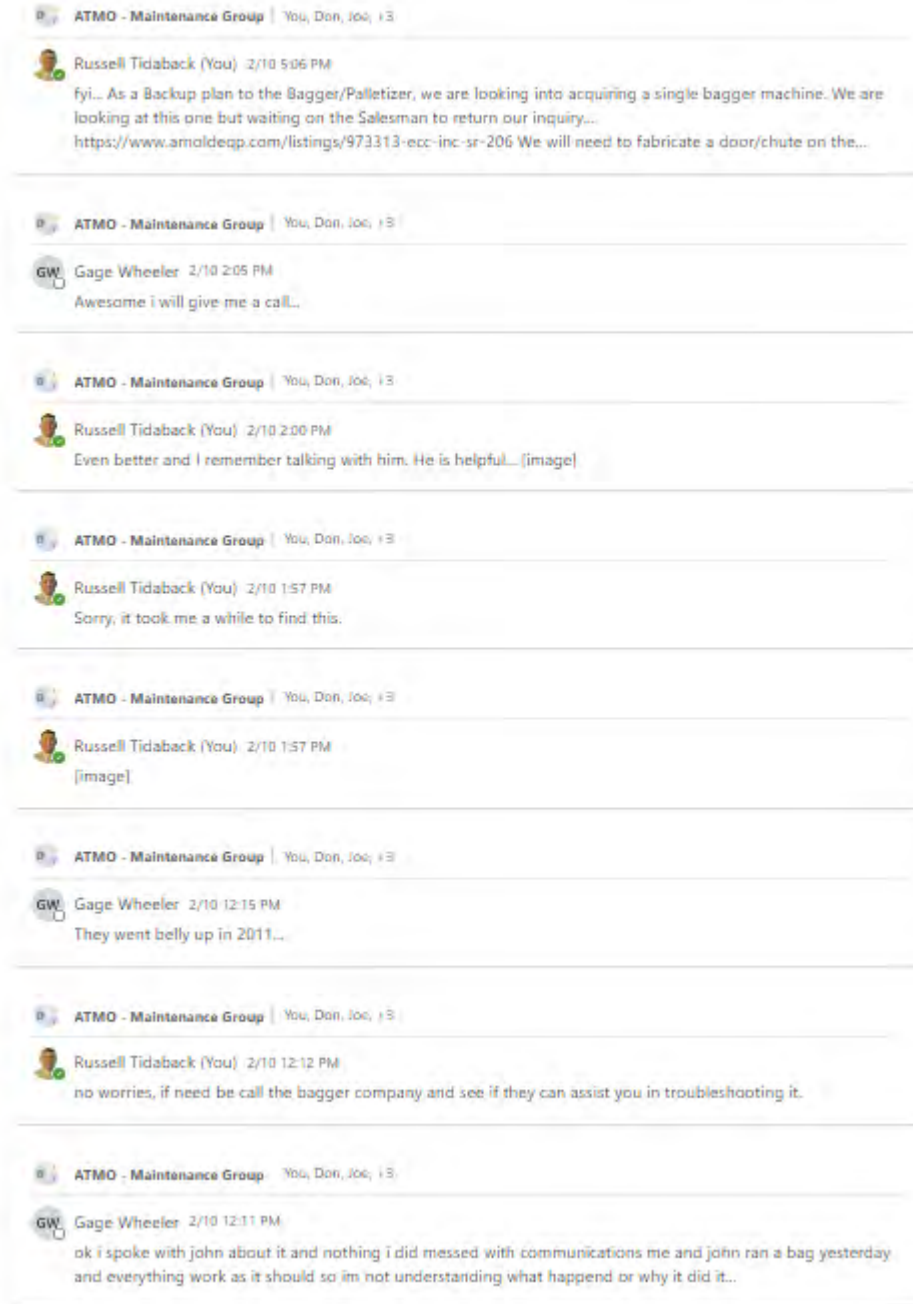


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ATMO - Maintenance Group | You, Dan, Joe, +3



Russell Tidaback (You) 2/10 12:07 PM

It is a computer system. It may need 2 - 5 minutes of off time to clear its memory.



ATMO - Maintenance Group | You, Dan, Joe, +3



Gage Wheeler 2/10 12:06 PM

yep tried that...



ATMO - Maintenance Group | You, Dan, Joe, +3



Russell Tidaback (You) 2/10 12:05 PM

Try shutting power off to the bagger system and restart it?



ATMO - Maintenance Group | You, Dan, Joe, +3



Gage Wheeler 2/10 11:20 AM

So we are still are having issues with the bagger not the function it self but for some odd reason we have lost communications with the motor control unit and its make things run out of order i dont have the software to get in it and look nothing i did messed with communications...



ATMO - Maintenance Group | You, Dan, Joe, +3



Robert Baumann 2/10 9:31 AM

But we are having issues with the bagger...



ATMO - Maintenance Group | You, Dan, Joe, +3



Robert Baumann 2/10 9:30 AM

I got it figured out nevermind but...



ATMO - Maintenance Group | You, Dan, Joe, +3



Gage Wheeler 2/10 9:21 AM

Yep i sure can...



ATMO - Maintenance Group | You, Dan, Joe, +3



Robert Baumann 2/10 9:20 AM

Gage Wheeler can you help us see if we can get the low bin light to work on the bagger...

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- ATMO - Maintenance Group** | You, Don, Joe, 13
- GW** Gage Wheeler 2/9 5:25 PM  
Not a problem boss man...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- Russell Tidaback (You)** 2/9 5:22 PM  
Awesome!!!! Thanks Gage!
- ATMO - Maintenance Group** | You, Don, Joe, 13
- GW** Gage Wheeler 2/9 5:21 PM  
The new air solinoid is installed and it working good me and john filled a bag and it shut off by itself so tommarow we can run bags...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- GW** Gage Wheeler 2/9 12:07 PM  
Yep i have them in my hands...
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JS** John Spears 2/9 12:04 PM  
Gage Wheeler we have the new air valves.
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JS** John Spears 2/9 12:03 PM  
Got 'em.
- ATMO - Maintenance Group** | You, Don, Joe, 13
- Russell Tidaback (You)** 2/9 12:00 PM  
Thanks!
- ATMO - Maintenance Group** | You, Don, Joe, 13
- JS** John Spears 2/9 12:00 PM  
Russell Tidaback Air Valves delivered? Just received notification these were. John Spears Good deal. I'll check the vestibule.

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**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Russell Tidaback (You)** 2/9 11:59 AM  
Air Valves delivered? Just received notification these were. John Spears...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**GW** Gage Wheeler 2/8 11:54 AM  
Also the craftsman jet heater has been serviced and is working properly now...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears 2/8 11:45 AM  
Ok. Thanks..

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**GW** Gage Wheeler 2/8 11:44 AM  
[Captured photo] [Captured photo] This a bad switch for one of our jet heaters...

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**JS** John Spears 2/7 5:36 PM  
Need the breaker box cover reinstalled at break room.

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**GW** Gage Wheeler 2/7 2:10 PM  
They are running them now when i get that part it will only take me like ten min to install then you guys can do 100 pound bags again..

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**Russell Tidaback (You)** 2/7 2:09 PM  
lets pump out some bulk bags this week.

**ATMO - Maintenance Group** | You, Dan, Joe, +3

**GW** Gage Wheeler 2/7 2:08 PM  
Awesome...

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ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidack (You) 2/7 1:38 PM  
1/4" or 1/2" [image]

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidack (You) 2/7 1:37 PM  
Can we find local in Joplin? Amazon fastest delivery is Thursday 9FEB...

ATMO - Maintenance Group | You, Don, Joe, 13

GW 2/7 1:35 PM  
same thing just rated for the power we have...

ATMO - Maintenance Group | You, Don, Joe, 13

GW 2/7 1:35 PM  
[image]

ATMO - Maintenance Group | You, Don, Joe, 13

GW 2/7 1:34 PM  
Web capture 7-2-2023 123334 www.amazon.com.jpeg ok i got our motor back and the reason for this is because we have 120v coming in to that air solinoid...



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ATMO - Maintenance Group You, Don, Jody 1/3

GW: Gage Wheeler 2/7 10:08 AM

Ok turn the power off...

ATMO - Maintenance Group You, Don, Jody 1/3

RB: Robert Baumann 2/7 10:08 AM

Was also smoking out of the controller box...

ATMO - Maintenance Group You, Don, Jody 1/3

RB: Robert Baumann 2/7 10:06 AM

So still can't run 100 sacks ran two bulk bags to switch to dgr and this is what happened when we tried bagging...

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ATMO - Maintenance Group | You, Don, Joe, 1/3

JS John Spears 2/5 2:48 PM  
Gage Wheeler Power companybis here and they have started working in it Good deal.

ATMO - Maintenance Group | You, Don, Joe, 1/3

GW Gage Wheeler 2/5 2:47 PM  
Power companybis here and they have started working in it...

ATMO - Maintenance Group | You, Don, Joe, 1/3

GW Gage Wheeler 2/5 2:13 PM  
Where blew one of the legs coming off tge transformer according to the electric company they have to get a repair crew out here is gonna be a couple of hours...

ATMO - Maintenance Group | You, Don, Joe, 1/3

RB Robert Baumann 2/6 1:52 PM  
Gage Wheeler electric company is here...

ATMO - Maintenance Group | You, Don, Joe, 1/3

GW Gage Wheeler 2/6 12:45 PM  
Ok we have a update do you have a min to talk about it...

ATMO - Maintenance Group | You, Don, Joe, 1/3

Russell Tidaback (You) 2/6 11:42 AM  
[image]

ATMO - Maintenance Group | You, Don, Joe, 1/3

Russell Tidaback (You) 2/6 11:42 AM  
10x Donaldson filters... [image]

ATMO - Maintenance Group | You, Don, Joe, 1/3

GW Gage Wheeler 2/6 11:25 AM  
just got off the phone with iss they are still trying to find us a part...

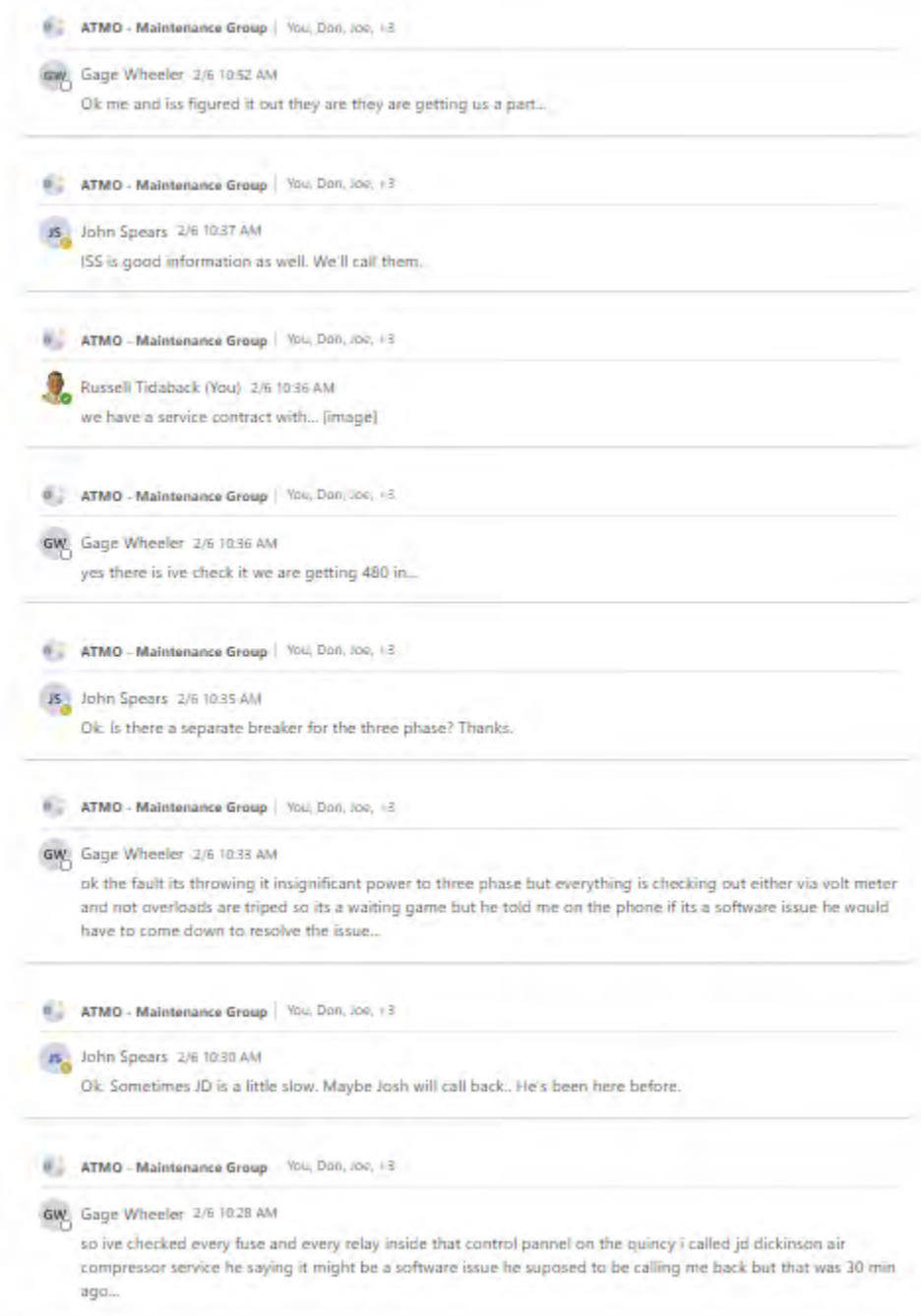


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ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/5 9:09 PM

I agree i know its out of Sequence for them to do so but i think it will help us out in the long run...

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/5 9:07 PM

I want to make sure the flour elevator is running first thing. Before anything else is done. We'll get the burner fired up. While it is warming We'll get the packer area cleaned up. We'll be sure to get the fourth floor auger door closed up. Robert Baumann...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/4 1:32 PM

We are done with the crane crew they are packing up now...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/4 12:16 PM

[Selected photo] Its stufg like this im talking about the tried welding the key into the key lucky for me whoever did it couldnt weld so it broke but i had to grind all that weld off so i can move the spocket back because i straightend the flour evelivator...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/4 12:12 PM

Lol, wouldn't doubt it. Be careful.

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/4 12:11 PM

Also everything up here was worked on with the idea in mind to screw the next guy...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/4 12:04 PM

No doubt. I appreciate it. 😊 ...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/4 12:04 PM

Im working as fast as i can...

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**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 2/4 11:58 AM  
Okay just make sure we do all that first. At \$400 / hr, we need to get the crane out of there.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**GW** Gage Wheeler 2/4 11:52 AM  
We still have to have the crane to fly in the hood also fly me up in the man basket to put on the roof pannels...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Russell Tidaback (You)** 2/4 11:37 AM  
Awesome! We shouldn't need the crane anymore? Get them boys outta there. They're expensive.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**GW** Gage Wheeler 2/4 11:35 AM  
[Selected photo] [Selected photo] Replacement barring bases are in...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**GW** Gage Wheeler 2/3 2:42 PM  
[Selected photo] Wish me luck lol...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**GW** Gage Wheeler 2/3 9:42 AM  
Ok sounds good...

**ATMO - Maintenance Group** | You, Don, Joe, 13

**Jordan Tidaback** 2/3 9:42 AM  
Good morning Gage Wheeler, let's cancel the meeting this morning so you all can focus on the prep for the crane.

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 2/2 11:06 AM  
Gage is finishing the packer conversion. I'm on the 4th floor prepping as much as I can for the crane tomorrow.

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**ATMO Operations** | You, Don, Gwen, +4

John Spears 4/13 2:19 PM  
Russell Tidaback John Spears Please confirm [image] We have a customer wanting two. Will do.

**ATMO Operations** | You, Don, Gwen, +4

Russell Tidaback (You) 4/13 2:16 PM  
John Spears Please confirm [image] We have a customer wanting two.

**ATMO Operations** | You, Don, Gwen, +4

Jordan Tidaback 4/13 12:22 PM  
Thank you!

**ATMO Operations** | You, Don, Gwen, +4

RB Robert Baumann 4/13 12:22 PM  
Jordan Tidaback So, SO-325 is staged and ready to go? (200 bags OGR and 200 bags OGC?) It's an export order so want to make sure we're ready before notifying the customer Wrapped and ready...

**ATMO Operations** | You, Don, Gwen, +4

Jordan Tidaback 4/13 12:21 PM  
So, SO-325 is staged and ready to go? (200 bags OGR and 200 bags OGC?) It's an export order so want to make sure we're ready before notifying the customer...

**ATMO Operations** | You, Don, Gwen, +4

Russell Tidaback (You) 4/13 12:19 PM  
John Spears From what I saw archived in the Cilas reports we did not sample for specific orders. I've been doing that lately because of the size of the order and the number of days it takes to complete it. Cilas reports should be run each day, not necessary per order. Reason being is if a machine part breaks down and...

**ATMO Operations** | You, Don, Gwen, +4

Jordan Tidaback 4/13 12:17 PM  
So, SO-325 is staged and ready to go? (200 bags OGR and 200 bags OGC?) It's an export order so want to make sure we're ready before notifying the customer...

**ATMO Operations** | You, Don, Gwen, +4

Jordan Tidaback 4/13 12:17 PM  
We just need them for the grade ran each day, not the order.

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**ATMO - Operations** | You, Don, Gwen, 1-4

John Spears 4/11 3:34 PM

Robert Baumann Julie Ann Cureg here are your weights for so-323 a & b. John Spears when we wrap these I have a slip sheet to keep a & b separate Good deal! Thank you.

**ATMO - Operations** | You, Don, Gwen, 1-4

Robert Baumann 4/11 3:33 PM

[Captured photo] Julie Ann Cureg here are your weights for so-323 a & b. John Spears when we wrap these I have a slip sheet to keep a & b separate...

**ATMO - Operations** | You, Don, Gwen, 1-4

Jordan Tidaback 4/11 1:49 PM

John Spears We found them. Just as we opened the box I knew right away we had them. Whew, thank you for double checking. 🙌

**ATMO - Operations** | You, Don, Gwen, 1-4

John Spears 4/11 1:47 PM

I'll give it a try.

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 4/11 1:46 PM

try it and see but I do think it will scan two sides.

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 4/11 1:46 PM

now that I think about it... the auto feeder detects two sided scans as well...

**ATMO - Operations** | You, Don, Gwen, 1-4

John Spears 4/11 1:46 PM

Ok...

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 4/11 1:46 PM

to scan 2 sided, can use the glass, not the auto feeder...





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 **ATMO - Operations** | You, Don, Gwen, 14

 Russell Tidaback (You) 4/11 1:45 PM  
oh... scanning... just remembered...

 **ATMO - Operations** | You, Don, Gwen, 14


 JS John Spears 4/11 1:45 PM  
Got it. Thanks. The State papers for Ronnel on printed two sides...


 **ATMO - Operations** | You, Don, Gwen, 14


 Russell Tidaback (You) 4/11 1:44 PM  
I dont remember the make & model or I would have googled it.


 **ATMO - Operations** | You, Don, Gwen, 14


 Russell Tidaback (You) 4/11 1:44 PM  
yes. There is a user manual on the side of the printer or google the printer make model how to scan two sided.


 **ATMO - Operations** | You, Don, Gwen, 14


 JS John Spears 4/11 1:42 PM  
Is there a way on the scanner/copier to scan two sided?


 **ATMO - Operations** | You, Don, Gwen, 14

 JS John Spears 4/11 1:41 PM  
Jordan Tidaback We do...I was there when it was delivered last month. There are 100 of them, so I know we haven't sent 100 international retail bags out. I wrote on the box that the were for 1lb international retail bags. Please check again. Check all around the office as maybe they were moved? We found them. Just as...

 **ATMO - Operations** | You, Don, Gwen, 14

 Jordan Tidaback 4/11 1:17 PM  
We do...I was there when it was delivered last month. There are 100 of them, so I know we haven't sent 100 international retail bags out. I wrote on the box that the were for 1lb international retail bags. Please check again. Check all around the office as maybe they were moved?

 **ATMO - Operations** | You, Don, Gwen, 14

 AS Alex Snodgrass 4/11 1:11 PM  
John and I looked. We dont have any...

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**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/11 1:03 PM

In the front office area. Likely in a cardboard box. Either in the cabinet or under the desk area in front of the window.

**ATMO - Operations** | You, Don, Gwen, i 4

Alex Snodgrass 4/11 1:02 PM

Jordan Tidaback do you know where the white bubble poly mailers are located?

**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/11 12:44 PM

Mohsin-and-Brothers-Label (1).pdf SO-543 Mohsin and Brothers Packing List.pdf



Mohsin-and-Brothers-...



SO-543 Mohsin and B...

**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/11 12:23 PM

Alex Snodgrass - please see if we have a 1lb bag of Once Ground Rose already made. If not, can you please prepare one?

**ATMO - Operations** | You, Don, Gwen, i 4

Robert Baumann 4/11 11:26 AM

[Captured photo] Julie Ann Cureg...

**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/10 12:21 PM

Hi Alex- just don't want this to be forgotten about. When you have time today, could you please scan the packing lists into their folder for these below? Keep the hard copy as we'll send that with the shipment, but Julie will use the digital copy to email with the other documents. SO-339 JacksonLea OH SO-326 Shanghai...

**ATMO - Operations** | You, Don, Gwen, i 4

Russell Tidaback (You) 4/10 10:40 AM

Julie Ann Cureg SO-597 has been added to the Production Schedule, please prepare the shipping documents.

**ATMO - Operations** | You, Don, Gwen, i 4

Russell Tidaback (You) 4/10 7:33 AM

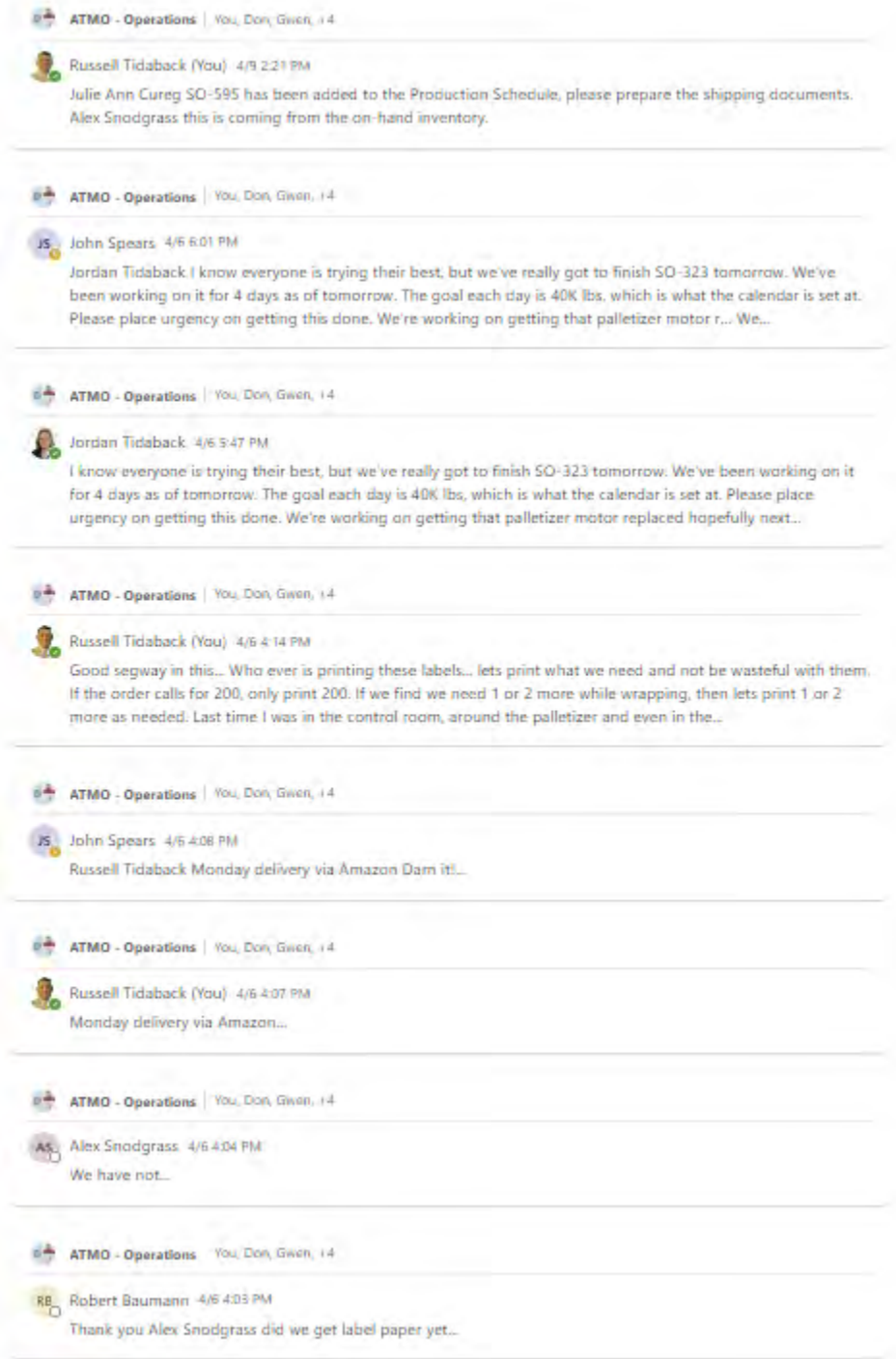
Julie Ann Cureg SO-596 has been added to the Production Schedule, please prepare the shipping documents. Alex Snodgrass this is coming from the on-hand inventory.

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**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/6 3:30 PM  
Corrected.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/6 3:28 PM  
just a sec...

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 4/6 3:13 PM  
[Captured photo] No 100 pound option...

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 4/6 1:52 PM  
Just as you were before; each part you complete...

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 4/6 1:44 PM  
Russell Tidaback: Robert Baumann Spreadsheet corrected So do I put completed for each part or wait til the whole SO number is completely done...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/6 12:32 PM  
Robert Baumann Spreadsheet corrected...

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 4/6 12:30 PM  
The A part is working on B so do I input no until both parts are done or each one...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 4/6 12:30 PM  
Working on it now:

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**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback · 4/6 12:28 PM  
We haven't finished SO-323, right? The 800 bags?

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) · 4/6 12:27 PM  
I'll fix it.

**ATMO - Operations** | You, Don, Gwen, 14

RB · Robert Baumann · 4/6 12:27 PM  
[Media]

**ATMO - Operations** | You, Don, Gwen, 14

RB · Robert Baumann · 4/6 12:27 PM  
[Media]

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback · 4/6 4:45 PM  
oh ok gotcha. Thank you for confirming.

**ATMO - Operations** | You, Don, Gwen, 14

RB · Robert Baumann · 4/6 4:45 PM  
We weighed the double stacks...

**ATMO - Operations** | You, Don, Gwen, 14

RB · Robert Baumann · 4/6 4:44 PM  
Jordan Tidaback 10 pallets each? These were 5-highs, no? Double stacked to fit in containers...

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback · 4/6 4:43 PM  
10 pallets each? These were 5-highs, no?

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**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg - 4/5 4:39 PM  
Thankyou Robert Baumann...

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann - 4/5 4:39 PM  
[Captured photo] SO-316 a- b-c-d-e grouped weighed ready finally Julie Ann Cureg...

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback - 4/5 11:12 AM  
Also, for a couple of these next orders that are to be shipped out, they require original documents. Please scan a copy of the signed BOL to the folder, but hang on to the original as it and the rest of the shipping docs will have to be mailed. I'm pretty sure the originals are needed for SO-323 and SO-316. Julie will...

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback - 4/5 10:53 AM  
Hi Alex - last time I was in the office, I looked in the binders next to the green cutting board and found that these were already made. For the BOL and packing lists already made, could you scan them in the folders so Julie doesn't have to remake them and has a digital copy to send once order is finished? (3/8 2:49 PM...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears - 4/4 6:01 PM  
Fantastic! I feel much better about getting product ready for shipment.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback - 4/4 5:58 PM  
Yes, sir. We will be putting an order in tomorrow or Thursday, as we get the current invoice paid.

**ATMO - Operations** | You, Don, Gwen, 14

John Spears - 4/4 5:57 PM  
We'll need HT Lrg pallets.

**ATMO - Operations** | You, Don, Gwen, 14


Jordan Tidaback - 4/4 5:55 PM  
Ok thank you, John. I assumed we did, but didn't see it reflected yet in the Daily Production Report. The customer is super eager to get the order and have been following up nearly everyday to see if we were still on target to produce it.


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 **ATMO - Operations** | You, Don, Gwen, 14


 John Spears 4/4 5:53 PM


Yes. We finished SQ-316 and moved on to SQ-323.

 **ATMO - Operations** | You, Don, Gwen, 14


 Jordan Tidaback 4/4 5:52 PM


Were we able to start on SQ-323 today?

 **ATMO - Operations** | You, Don, Gwen, 14


 John Spears 4/4 5:02 PM


I'll pass that along to Rob.

 **ATMO - Operations** | You, Don, Gwen, 14


 John Spears 4/4 5:01 PM


Good plan.

 **ATMO - Operations** | You, Don, Gwen, 14


 Jordan Tidaback 4/4 5:00 PM


No, to keep from having that void, let's do 2, 2, and then 14 stacked double high. That way if they tip over, they'd be tipping onto another pallet rather than onto the floor of the container.

 **ATMO - Operations** | You, Don, Gwen, 14


 John Spears 4/4 4:58 PM


Jordan Tidaback Yes, that's fine. It should be 18 pallets each on 4 containers and 20 pallets on the 5th container. Very good. Will we need to put the big blow up pillows in the void space so that the top pallets of row 4 do not tip over?

 **ATMO - Operations** | You, Don, Gwen, 14

 Jordan Tidaback 4/4 4:54 PM

Yes, that's fine. It should be 18 pallets each on 4 containers and 20 pallets on the 5th container.

 **ATMO - Operations** | You, Don, Gwen, 14

 John Spears 4/4 4:52 PM

Will it be OK for the containers being used for SQ-316 to be lite on one end? We're going to be putting 360 bags each on four separate containers and 400 bags on the fifth.

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**ATMO - Operations** | You, Don, Gwen, +4

John Spears 4/4 4:46 PM

Russell Tidaback: We never want to send a customer wrong labelled bags. A lot of customers complained about the paint stenciled bags done up til early 2022. So we went to the white labels. Then the customers complain... That's good. We'll keep it simple.

**ATMO - Operations** | You, Don, Gwen, +4

Russell Tidaback (You) 4/4 4:31 PM

Julie Ann Cureg SO-594 has been added to the Production Schedule, please prepare the shipping documents. John Spears / Alex Snodgrass These need to come from the OGR bulk bags labeled already as SO-377-A. Remove the SO-377-A slips from the 15 bags and place in inventory. Dont forget to update the inventory tab ...

**ATMO - Operations** | You, Don, Gwen, +4

Russell Tidaback (You) 4/4 4:25 PM

We never want to send a customer wrong labelled bags. A lot of customers complained about the paint stenciled bags done up til early 2022. So we went to the white labels. Then the customers complain about the labels falling off and not knowing what is in the bag. So the new batch of bags, when produced, and we start...

**ATMO - Operations** | You, Don, Gwen, +4

John Spears 4/4 3:21 PM

Jordan Tidaback: Yes, thank you, John. Sorry for the hassle. None at all.

**ATMO - Operations** | You, Don, Gwen, +4

Jordan Tidaback 4/4 3:20 PM

Yes, thank you, John. Sorry for the hassle.

**ATMO - Operations** | You, Don, Gwen, +4

Russell Tidaback (You) 4/4 3:20 PM

Thank you.

**ATMO - Operations** | You, Don, Gwen, +4

John Spears 4/4 3:19 PM

Yes sir. Will do.

**ATMO - Operations** | You, Don, Gwen, +4

Russell Tidaback (You) 4/4 3:19 PM

yes, waste of labels, wrap and time but it needs to be done right.



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**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 3:18 PM

John Spears I can put a sheet on the outside saying these came from a cancellation order. No. Relabel them.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 3:18 PM

John Spears The bags have the old Toa Kasei stickers on them and are now slip sheeted and wrapped on one pallet. Was gonna sticker the outside. They all do say DGC. John Spears You are removing the old labels and replacing with the correct labels, yes?

**ATMO - Operations** | You, Don, Gwen, 14

JS John Spears 4/4 3:17 PM

Jordan Tidaback Russell Tidaback won't it confuse the customer to have another customer's name and PO# on it? I can put a sheet on the outside saying these came from a cancellation order.

**ATMO - Operations** | You, Don, Gwen, 14

JS John Spears 4/4 3:16 PM

Woo Hoo! I'm working on 593 for Miss Julie because she said these pallets need weighed as well.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 4/4 3:16 PM

Russell Tidaback won't it confuse the customer to have another customer's name and PO# on it?

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 3:15 PM

John Spears The DGC 60 bags are from the Toa Kasei order from last fall that we got mixed up on and ran a double order. I'm using these to fill SO-593. Yes, SO-593 should be from on-hand inventory.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 3:14 PM

John Spears We're talking about two different orders ain't we? Yes... its all good now.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 4/4 3:14 PM

me too!

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**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/4 3:14 PM

John Spears The DGC 60 bags are from the Toa Kasei order from last fall that we got mixed up on and ran a double order. I'm using these to fill SQ-593. oh, you scared me... I thought you were mentioning SQ-316 was mislabeled...

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 4/4 3:14 PM

We're talking about two different orders ain't we?

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 4/4 3:13 PM

The DGC 60 bags are from the Toa Kasei order from last fall that we got mixed up on and ran a double order. I'm using these to fill SQ-593.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/4 3:09 PM

John Spears The bags have the old Toa Kasei stickers on them and are now slip sheeted and wrapped on one pallet. Was gonna sticker the outside. They all do say DGC. I dont understand. [image] [image]

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/4 3:09 PM

Why do they have another customer's labels on it?

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 4/4 3:07 PM

Russell Tidaback This is an international order, we need to make sure to verify the labels are correct, the bags are labelled correct, the pallets are marked correct, and what is loaded per container is correct. Its estimated... The bags have the old Toa Kasei stickers on them and are now slip sheeted and wrapped on one...

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/4 3:02 PM

This is an international order, we need to make sure to verify the labels are correct, the bags are labelled correct, the pallets are marked correct, and what is loaded per container is correct. Its estimated the shipping cost alone is \$10K-\$15k per container. Plus they have been waiting for this shipment for 13 months...

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/4 2:54 PM

I guess I dont understand the question. 1272 OGR TOTAL BAGS: 1260 OGR on 63 "S-highs" pallets 12 remaining bags get stacked with the 12 remaining bags of DGR (12 bags OGR + 8 bags DGR = 20 bags = "S-high") 568 DGR TOTAL BAGS: 560 DGR on 28 "S-highs" pallets 8 remaining bags\* 63 + 28 + 1 = 92 pallets total. Place in...

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**ATMO - Operations** | You, Don, Gwen, i4

Robert Baumann 4/4 2:40 PM

Can we arrange to ship this 316 the same way and I can get you corrected weights for 400 each load or do we need to restack some and re weigh...

**ATMO - Operations** | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:39 PM

correct...

**ATMO - Operations** | You, Don, Gwen, i4

Julie Ann Cureg 4/4 2:39 PM

Jordan Tidaback Oh because they're 100lb bags. Ok so it'll be 400 bags go on 20 large HT pallets for part A. 400 bags go on 20 large HT pallets for part B. Julie Ann Cureg, can you please update the packing lists for SO-323 A and B? So this will be a total of 40 pallets?

**ATMO - Operations** | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:34 PM

Oh because they're 100lb bags. Ok so it'll be 400 bags go on 20 large HT pallets for part A. 400 bags go on 20 large HT pallets for part B. Julie Ann Cureg, can you please update the packing lists for SO-323 A and B?

**ATMO - Operations** | You, Don, Gwen, i4

Robert Baumann 4/4 2:31 PM

Ok thanks that's way more easy to accomplish but it will be 20 pallets double stacked for the 400.

**ATMO - Operations** | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:30 PM

We have SO-328 CDEFG coming up next week. We'll get it updated so we can make it more clear what goes to which container.

**ATMO - Operations** | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:27 PM

For SO-323, the order is for 800 bags of OGR. 400 bags go on 10 large HT pallets for part A. Please mark these pallets as A and send the weights to Julie. 400 bags go on 10 L HT pallets for part B. Please mark these pallets as B and send the weights to Julie. I updated the production calendar notes section with this...

**ATMO - Operations** | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:23 PM

Yes, we can split up a little better going forward. This one was a last minute change as we moved from 50 pallets to 92; moving from 10 to 5 highs. Alex has access to the packing lists, so you can see what goes to which container (A, B, C, etc)



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**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 4/4 2:17 PM

Can we get orders like this split up a lil better part a was over 368 and c and d were vague I have them in groups of 360 bags as per what it stated but A was 568 idk maybe I just am not getting the split parts...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 2:10 PM

SO-316: Each Container = 368 bags on 10 pallets. Labels need to state: Prior #2022GT-TRIPOLI01 / #14416 / Guangzhou.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 4/4 2:10 PM

We'll also need each marked with A, B, C, D, E somewhere on the stretchwrap, so our weights on the paperwork match what is getting loaded into each truck.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 4/4 2:09 PM

Hey, John Spears Alex Snodgrass could you please give me the rest of the weight for SO-316 (If it's completed already)? You only gave me the B part so I need the A, C, D, & E. Refer to the Packing List in its SO folder. Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 4/4 1:07 PM

Hi Alex - could you please put these in the folder? It's in the customers, distributors, sales channel > Files > paperwork for upcoming orders > SO-580? Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

Alex Snodgrass 4/4 1:05 PM

SO-580 shippment paperwork.zip SO-580 BOL Signed.pdf

SO-580 shippment pa... SO-580 BOL Signed.pdf

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 7:29 AM

Julie Ann Cureg SO-593 has been added to the Production Schedule, please prepare the shipping documents. THIS IS A PREPAY, CONFIRM PAYMENT W/ Kyle before shipping. Alex Snodgrass - Pull this 60 - 100# bags of DGC from the on-hand inventory and update tab once shipped. This will be shipped by air so each pallet will...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/3 2:30 PM

Julie Ann Cureg SO-327591 (SO-591 in BC, see production schedule note) has been added to the Production Schedule, please prepare the shipping documents. Alex Snodgrass...

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**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/3 10:03 AM  
Julie Ann Cureg SO-327590 (SO-590 in BC, see production schedule note) has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 7:33 PM  
Julie Ann Cureg SO-589 has been added to the Production Schedule, please prepare the shipping documents. THIS IS A PREPAY, CONFIRM PAYMENT W/ Kyle before shipping. Alex Snodgrass - Pull this from the on-hand inventory and update tab once shipped.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 7:09 PM  
Julie Ann Cureg SO-588 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 6:59 PM  
Julie Ann Cureg SO-587 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 6:49 PM  
Julie Ann Cureg SO-586 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 6:48 PM  
Julie Ann Cureg SO-585 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 6:27 PM  
Julie Ann Cureg SO-584 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/2 6:14 PM  
Julie Ann Cureg SO-583 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

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- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  Russell Tidaback (You) 4/2 5:54 PM  
Julie Ann Cureg SO-582 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 3/31 1:08 PM  
Again, you are part of the **operations** team that keeps the employees safe and keeps the company compliant with outside organizations...
- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  Jordan Tidaback 3/31 9:44 AM  
Julie Ann Cureg we need these for the VGM document. I think you've got it, but let me know if you need any help with that doc.
- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  RB Robert Baumann 3/31 9:41 AM  
[Captured photo] Alex Snodgrass here is the weights for the b order ready to go...
- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  JS John Spears 3/31 9:35 AM  
Will do.
- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  Jordan Tidaback 3/31 9:35 AM  
Please make sure a cilas report is done for this one. If it has a production date on the paper/tag, please let julie know so she can get the correct Cilas from the files. Thank you 🙏
- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  Jordan Tidaback 3/31 9:32 AM  
Just a reminder... [image]
- 
-  **ATMO - Operations** | You, Don, Gwen, 14
- 
-  Russell Tidaback (You) 3/30 12:31 PM  
Thanks!

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**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/30 12:30 PM

Alex Snodgrass As you become more and more familiar with the on-hand inventory, you will notice we have bags that are different than the standard blue label bags, for example, the 100# AFR Black label bags. We need to get these OLD bags sent out. So for example, these 100# AFR bags, please look on the production...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/30 12:24 PM

Jordan Tidaback Looking at those #s and looking at the Production Calendar, we'll need to order more Large HT Correct, we should strive to keep a minimum expendables of 30 days ahead of production schedule for pallets, 120 days ahead of production schedule of slips sheets, 180 days ahead of production schedule of bags...

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 3/30 12:19 PM

We'll need the monthly inventory done tomorrow or sometime next week that gets a count of all on that list. Let us know if you have any questions on it!...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/30 12:18 PM

perfect, make sure this info is input into the Daily Production 2023 spreadsheet... (image)

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 3/30 12:17 PM

Looking at those #s and looking at the Production Calendar, we'll need to order more Large HT...

**ATMO - Operations** | You, Don, Gwen, 14

Alex Snodgrass 3/30 12:12 PM

Pallets: Heat treated Lg, 111. Heat treated Sm, 233. Reg, 206...

**ATMO - Mill Mgmt** | You, Don, John, 12

Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**

"guys we are charging the tube Mill and sealing up the elevator first thing in the morning"... okay, this is probably a good segway to bring us back together and iterate the importance of production urgency. The daily production goal is 50k lbs produced. Produced meaning to the final step of being stretch wrapped. The...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/30 6:31 AM

Alex Snodgrass Jessie Molesi You have a license for Adobe Acrobat PRO and access to the Adobe Cloud for editing/signing PDFs, etc. <https://documentcloud.adobe.com/link/home/> Username is your Company email address.



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**ATMO - Operations** | You, Don, Gwen, i-4



Russell Tidaback (You) 3/29 12:16 PM

Julie Ann Cureg Alex Snodgrass SO-580 has been added to the Production Schedule, please prepare the shipping documents. The customer, Alice w/ Maverick, is already working on coordinating the shipment. Please contact her for details. Id expect this to ship out tomorrow. Alex Snodgrass This is the DGR bulk bag inquired...



**ATMO - Operations** | You, Don, Gwen, i-4



Russell Tidaback (You) 3/29 10:31 AM

Jessie Molesi this might be a better post for the "Mill Group Chat". Not everyone is in this group. 🙄



**ATMO - Operations** | You, Don, Gwen, i-4



Jessie Molesi 3/29 10:21 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d17-f5cc2b1bc7ed8357716f33e9c4768b76/views/imgo]



**ATMO - Operations** | You, Don, Gwen, i-4



Julie Ann Cureg 3/28 2:17 PM

Which SO#?



**ATMO - Operations** | You, Don, Gwen, i-4



Russell Tidaback (You) 3/28 2:10 PM

Julie Ann Cureg please make sure a CILAS report is done for each order. We received a customer complaint that they didnt get one with their order.



**ATMO - Operations** | You, Don, Gwen, i-4



Russell Tidaback (You) 3/28 12:27 PM

Make sure we get a copy of the signed Bill of Lading (BOL), taking a picture of it at the time the truck is there has saved us a couple of times of getting lost in transit back to the admin bldg. Alex Snodgrass...



**ATMO - Operations** | You, Don, Gwen, i-4



Alex Snodgrass 3/28 12:06 PM

SO-304...



**ATMO - Operations** | You, Don, Gwen, i-4



Julie Ann Cureg 3/28 12:05 PM

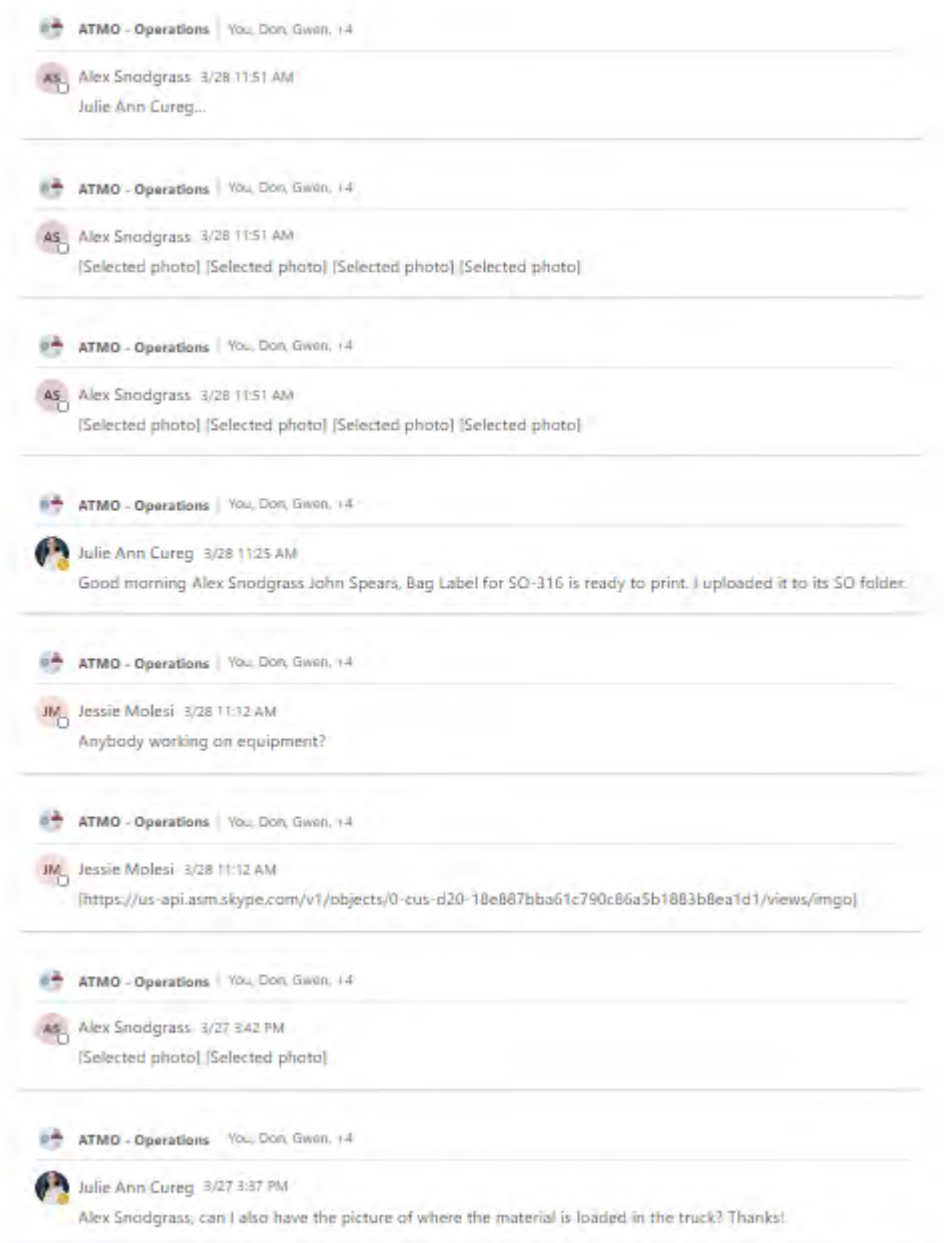
Thank you Alex Snodgrass. What SO# is this?

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**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 3/27 3:31 PM  
Thanks!

---

**ATMO - Operations** | You, Don, Gwen, 14

**AS** Alex Snodgrass 3/27 3:28 PM  
Julie Ann Cureg...

---

**ATMO - Operations** | You, Don, Gwen, 14

**AS** Alex Snodgrass 3/27 3:28 PM  
298-bol.eml4169 001.pdf SO-298...

298-bol.eml ... 4169 001.pdf ...

---

**ATMO - Operations** | You, Don, Gwen, 14

**AS** Alex Snodgrass 3/27 12:37 PM  
4160 001.pdf Gwen Magayanes Jalosjos...

4160 001.pdf ...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 3/26 3:35 PM  
Hi Alex Snodgrass just a heads up, please print the paperwork for SO-298 and SO-304 on Monday as they may pick up those orders. The customer said that we will be using our BOL. Let me know if you have any questions. Thank you!

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 3/26 3:13 PM  
Julie Ann Cureg SO-304 has completed production. Please contact the Customer for shipper POC. Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 3/26 3:12 PM  
Julie Ann Cureg SO-578 has been added to the Production Schedule, please prepare the shipping documents. Thanks. Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 3/24 5:33 PM  
Ok great! Thank you! You can send the receipts in the chat group where she sends the packing slip. Have a good weekend 😊

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**ATMO - Operations** | You, Don, Gwen, 14

**AS** Alex Snodgrass 3/24 5:31 PM  
Yes we did. I scanned & forwarded the mailing receipt to Gwen...

**ATMO - Operations** | You, Don, Gwen, 14

**JT** Jordan Tidaback 3/24 5:29 PM  
Did we get this mailed out?

**ATMO - Operations** | You, Don, Gwen, 14

**JT** Jordan Tidaback 3/24 1:35 PM  
Only if we don't have a 1oz AFR (Air Float Rose) bag already made on the shelf.

**ATMO - Operations** | You, Don, Gwen, 14

**AS** Alex Snodgrass 3/24 1:35 PM  
Jordan Tidaback in retail product labels, am i looking for the 1 oz AFR?

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 3/23 12:05 PM  
Julie Ann Cureg Good morning John Spears I've added a New BOL for SO-576. Today is their scheduled pick-up. I'll get it ready. Thanks...

**ATMO - Operations** | You, Don, Gwen, 14

**JA** Julie Ann Cureg 3/23 11:47 AM  
Good morning John Spears I've added a New BOL for SO-576. Today is their scheduled pick-up.

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 3/22 9:34 AM  
Robert Baumann John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please Will do.

**ATMO - Operations** | You, Don, Gwen, 14

**RB** Robert Baumann 3/22 9:33 AM  
John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please...



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**ATMO - Operations** | You, Don, Gwen, 1-4

John Spears 3/21 6:41 PM  
Got it. Will do.

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 3/21 6:39 PM  
SQ-576 has been added to the Production Schedule. Please process for shipment and pull the CILAS report from 20MAR2023. This order will most likely ship tomorrow (Wednesday 22MAR2023). Robert Baumann I modified the Daily Production and removed 2 from SQ-377A. Please relabel two of the bulk bags to SQ-576...

**ATMO - Operations** | You, Don, Gwen, 1-4

Julie Ann Cureg 3/14 3:10 PM  
John Spears, Paperwork for SQ-572 has been updated. You can now print those. Thanks!

**ATMO - Operations** | You, Don, Gwen, 1-4

Julie Ann Cureg 3/14 3:02 PM  
Yes, Sorry I just checked now. Thanks!

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 3/14 3:01 PM  
The shipper information is posted in the Shipper section of the details is the reason I ask.

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 3/14 3:01 PM  
you do have access to view the Production Schedule details, correct? Julie Ann Cureg...

**ATMO - Operations** | You, Don, Gwen, 1-4

Julie Ann Cureg 3/14 2:57 PM  
Thanks!

**ATMO - Operations** | You, Don, Gwen, 1-4

Russell Tidaback (You) 3/14 2:56 PM  
Shipper Name: Estes / Primo Logistics | Veronica Posada Shipper Phone #: 833-744-7537 x1099 Ref#: (if available) 108682048...

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**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 3/14 2:27 PM  
Russell Tidaback Julie Ann Cureg Please put shipper Ref # on BOL and all paperwork, per the customer. Hi Russell Tidaback what should our reference# look like? Usually, I just tell customers that they will use the SO# as a reference number when picking up the orders. So Idk what is the other reference# to be included...

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 3/14 2:20 PM  
Julie Ann Cureg John Spears Sorry, I just added the shipping label and a new BOL from the carrier then deleted ours. Please double-check. Thanks! Will do. Thank you.

**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 3/14 2:20 PM  
John Spears Sorry, I just added the shipping label and a new BOL from the carrier then deleted ours. Please double-check. Don't print yet. I'll just add the ref number. I'll let you know later...

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 3/14 2:17 PM  
Julie Ann Cureg Hi, Robert Baumann John Spears paperwork for SO-572 was uploaded to its folder. I'll get the paperwork printed.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 3/14 2:14 PM  
sorry, just received the request from the customer...

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 3/14 2:14 PM  
Julie Ann Cureg Please put shipper Ref # on BOL and all paperwork, per the customer.

**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 3/14 2:13 PM  
Russell Tidaback Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert Baumann) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send a truck for these most likely to be picked up tomorrow (Wednesday). Please let Rob and John Spe... Hi,

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 3/14 2:10 PM  
Its being shipped to Michigan. - regular unleaded 🤔

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- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann 3/14 2:09 PM  
Russell Tidaback Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert Baumann) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send... Regular or heat treated pallets ?
- ATMO - Operations** | You, Don, Gwen, 14
- Russell Tidaback (You) 3/14 1:56 PM  
Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert Baumann) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send a truck for these most likely to be picked up tomorrow (Wednesday). Please let Rob and John Spears know when the...
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg 3/14 11:37 AM  
I've received the 2 BOLS from email..
- ATMO - Operations** | You, Don, Gwen, 14
- JS John Spears 3/14 11:31 AM  
Julie Ann Cureg Hi John Spears can I have the Cilas Report for SO-449? scanned signed BOL also for both SO-488 and SO-449. Thank you! Will do.
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg 3/14 10:51 AM  
Hi John Spears can I have the Cilas Report for SO-449? scanned signed BOL also for both SO-488 and SO-449. Thank you!
- ATMO - Operations** | You, Don, Gwen, 14
- JS John Spears 3/13 1:13 PM  
Sure thing.
- ATMO - Operations** | You, Don, Gwen, 14
- Jordan Tidaback 3/13 1:13 PM  
Yeah JacksonLes requests a hard copy to go in with their packing list, as well as an emailed copy. We need digital files for every cilas report, though.
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg 3/13 1:10 PM  
John Spears sorry my bad. You should give it by hard copy and scan also for our soft copy..

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**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/13 1:04 PM  
Good deal. I'll get one ready.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/13 1:04 PM  
by email...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/13 1:03 PM  
Julie Ann Cureg Hi John Spears Robert Baumann please run Cilas Report for SO-449 also. Thanks! Will do. Thank you. Will we hard copy the Cilas report for SO-449 or by email?

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/13 12:48 PM  
Noted! Will email the customer. Thanks!

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 3/13 12:48 PM  
Julie Ann Cureg SO-290-B is complete now also...

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/13 12:47 PM  
Hi John Spears Robert Baumann please run Cilas Report for SO-449 also. Thanks!

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/13 12:37 PM  
Robert Baumann John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here  
Ok...

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 3/13 12:37 PM  
John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here...



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**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/10 2:11 PM

Russell Tidaback Is O'Jim working with PremierTech to get this resolved or ?? I dont know if he has PLC experience or the tools to adjust the PLC. John Spears O'Jim has contacted a gentleman who has experience with a Stone Container bagger or one very similar. Old Jim is sending his friend and Mr. Ulmer scan pages of...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/10 12:17 PM

Is O'Jim working with PremierTech to get this resolved or ?? I dont know if he has PLC experience or the tools to adjust the PLC. John Spears...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/10 12:15 PM

Russell Tidaback Robert Baumann is the Bagger working to run the 100#s? Not yet. The sequence of **operations** through the PLC of just a solenoid is not firing the impeller.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/10 12:15 PM

Robert Baumann is the Bagger working to run the 100#s?

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 3/10 12:12 PM

Yep just seen that thank you...

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 3/10 12:11 PM

Robert Baumann I think we still need to do SO-290-B (Bright Abrasives, 20 bulk bags, OGR). Then SO-377 A & B would be next for bulk bags.

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 3/10 12:03 PM

Russell Tidaback I'm looking at the calendar next bulk bag order would be so-377 ????

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 3/10 12:02 PM

SO -449 is complete Julie Ann Cureg 21 bulk bags...

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**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 3/9 10:36 AM  
Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

RB Robert Baumann 3/9 10:35 AM  
[Media] [Media] [Media]

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 3/9 10:32 AM  
Robert Baumann 2 heat treated pallets with bulk bags dgc 2120# 2140# for air shipping SO-488 partial Russell Tidaback Julie Ann Cureg Robert Baumann could you please take a picture of the 2 bags for air shipment for SO-488? They want to see the bags loaded on the pallet and proof that they are on HT pallets. Julie Ann...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/8 8:10 PM  
Julie Ann Cureg SO-568 has been added to the production schedule (18AUG2023), please process the paperwork. John Spears FYI...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/8 7:39 PM  
Julie Ann Cureg SO-567 has been added to the Production Schedule (17AUG2023) please process the paperwork. John Spears FYI...

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/28 8:40 AM  
No worries 😊 ...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/28 8:38 AM  
Perfect! Thank you.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/28 8:28 AM  
Yes I did. I have conversations with them yesterday and gave them our shipping address, shipping hours and John's contact number for pick up. I'm waiting for the carrier's reply for their pick up time.

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**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/28 3:42 AM

Julie Ann Cureg Have you coordinated with the customer for the air freight? just wanting to know where we are on this.

**ATMO - Operations** | You, Don, Gwen, 14

JS John Spears 2/24 3:22 PM

Will do.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 2/24 3:17 PM

Just a heads up, the cleaning crew will be at the admin office this evening. Please make sure the vacuum cleaner is available for them, all the cleaning supplies are still in the cabinet for them to use and things are put away so they can clean the office. Thank you 🙏 John Spears Andrew Wasson...

**ATMO - Operations** | You, Don, Gwen, 14

JS John Spears 2/24 2:58 PM

Julie Ann Cureg Hi Robert Baumann please weigh the other 8 HT Pallet too as the customer needed them. Thank you. Will do. Thanks.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/24 1:31 PM

Robert Baumann 2 heat treated pallets with bulk bags dgc 2120# 2140# for air shipping SO-488 partial Russell Tidaback Julie Ann Cureg Hi Robert Baumann please weigh the other 8 HT Pallet too as the customer needed them. Thank you.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/24 12:59 PM

Julie Ann Cureg Russell Tidaback do I have to make separately paperwork for 2 Bags and 8 bags? yes...

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 2/24 12:59 PM

2 heat treated pallets with bulk bags dgc 2120# 2140# for air shipping SO-488 partial Russell Tidaback Julie Ann Cureg...

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/24 12:58 PM

Russell Tidaback John Spears SO-488, the customer wants to ship the 10 DGC bulk bags we have ready. We need this first thing this morning as they want to ship some of this by air. The pallets will need to be on HT large pallets, since this is an export customer. We will need the weight of each bag and pal... Russell...

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**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 2/24 7:42 AM  
Russell Tidaback good morning John Spears Good morning to you as well Sir.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 2/24 7:41 AM  
good morning John Spears...

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 2/24 7:41 AM  
Got it.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 2/24 7:33 AM  
John Spears SQ-488, the customer wants to ship the 10 DGC bulk bags we have ready. We need this first thing this morning as they want to ship some of this by air. The pallets will need to be on HT large pallets, since this is an export customer. We will need the weight of each bag and pallet as they are air shipping 2...

**ATMO - Operations** | You, Don, Gwen, 14

**KV** Kyle Varner 2/22 12:30 PM  
John Spears Not yet. I'll get it filled out today. Great! Thanks...

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 2/22 12:27 PM  
Not yet. I'll get it filled out today.

**ATMO - Operations** | You, Don, Gwen, 14

**KV** Kyle Varner 2/22 12:27 PM  
John Spears do you have new hire paperwork on Ronnell?



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ATMO - Operations | You, Don, Gwen, 14

John Spears 2/21 3:33 PM  
I'm on it.

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 2/21 3:32 PM  
Julie Ann Cureg SO-564 is small retail bags. Please process the paperwork. Already Paid via Paypal. So when you have the tracking # please email the customer the tracking number and the paid invoice receipt. [image] John Spears...

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 2/20 11:08 PM  
Julie Ann Cureg SO-562, SO-563, and SO-564 are added to the production schedule (14 & 17 JUL23). Please process the paperwork.

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 2/14 12:26 PM  
Okay...

ATMO - Operations | You, Don, Gwen, 14

John Spears 2/14 12:26 PM  
On my way back.

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 2/14 12:23 PM  
Robert Baumann can you print to the admin office printer off the computer in the mill?

ATMO - Operations | You, Don, Gwen, 14

John Spears 2/14 12:23 PM  
Robert Baumann We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags. Sure thing. I'll get it printed when I get back to the office.

ATMO - Operations | You, Don, Gwen, 14

Julie Ann Cureg 2/14 12:14 PM  
[https://deedyco.sharepoint.com/:f/r/sites/American Tripoli Seneca MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-290-%20A%20Bright%20Abrasives?csf=1&web=1&e=i2bKFM...](https://deedyco.sharepoint.com/:f/r/sites/American%20Tripoli%20Seneca%20MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-290-%20A%20Bright%20Abrasives?csf=1&web=1&e=i2bKFM...)

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**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/14 12:14 PM

Robert Baumann We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags It's in the folder.

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 2/14 12:13 PM

Julie Ann Cureg Good morning Robert Baumann John Spears. We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags...

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/14 12:03 PM

Good morning Robert Baumann John Spears. [image]

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/13 8:06 PM

Julie Ann Cureg SO-556 is added to the production schedule (14JUL23). Please process the paperwork.

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 2/13 3:03 PM

I'll get that ready momentarily.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/13 2:56 PM

Please print the BOL. They will going to pick it up tomorrow. Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 2/13 2:44 PM

Ok. Do I need to finish anything?

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/13 2:43 PM

Hi John Spears I uploaded the BOL for SO-555 to its folder.

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- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann 2/10 4:35 PM  
SO-435 21bulk bags is completed and ready for shipping arrangements Julie Ann Cureg..
- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann 2/10 4:34 PM  
Russell Tidaback SO-555 is added to the production schedule, Robert Baumann Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR) John Spears The 5lb bags need to be pulled from the small bag inventory and will... Order is wrapped and ready Julie Ann Cureg...
- ATMO - Operations** | You, Don, Gwen, 14
- John Spears 2/10 9:06 AM  
Robert Baumann Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears I'm on it.
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg 2/10 9:00 AM  
[https://deedyco.sharepoint.com/f/r/sites/American\\_Tripoli\\_Seneca\\_MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-438%20%20Osborn%20OH?csf=1&web=1&e=05YU2S...](https://deedyco.sharepoint.com/f/r/sites/American_Tripoli_Seneca_MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-438%20%20Osborn%20OH?csf=1&web=1&e=05YU2S...)
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg 2/10 8:59 AM  
Yes it is...
- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann 2/10 8:58 AM  
Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears...
- ATMO - Operations** | You, Don, Gwen, 14
- John Spears 2/10 8:05 AM  
Got it! We'll get everything together.
- ATMO - Operations** | You, Don, Gwen, 14
- Russell Tidaback (You) 2/9 6:17 PM  
SO-555 is added to the production schedule, Robert Baumann Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR). John Spears The 5lb bags need to be pulled from the small bag inventory and will need to be wrapped/secured to the Trifil Rose pallet. I updated the On-Hand inventory tab of the Daily Production...

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**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 2/9 12:58 PM  
Julie Ann Cureg SO-438 15 bulk bags is completed and ready...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 2/9 12:21 PM  
Julie Ann Cureg Hi John Spears I uploaded the BOL for SO-544 to its folder. Thanks. I'll get right on it.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 2/9 12:20 PM  
Hi John Spears I uploaded the BOL for SO-544 to its folder.

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 2/9 10:21 AM  
Russell Tidaback SO-554 is added to the production schedule, Robert Baumann Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork. [image] Julie Ann Cureg this order is ready to be shipped out...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/8 4:32 PM  
[image]

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/8 4:31 PM  
Julie Ann Cureg SO-290 & SO-411 is complete per the production schedule. Please process for shipment. John Spears Robert Baumann...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 2/8 4:26 PM  
SO-554 is added to the production schedule, Robert Baumann Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork. [image]

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**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/14 3:07 PM

Russell Tidaback Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any w... Mr. Van...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 3:01 PM

Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any way he can. He retired from...

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/14 2:56 PM

Russell Tidaback As for the Withdrawal Order question... we will wait until we get clarification from MSHA. I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines. Us sending mill associates home was because no production capability no... Agreed.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 2:55 PM

As for the Withdrawal Order question... we will wait until we get clarification from MSHA. I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines. Us sending mill associates home was because no production capability not because of the 104(b) order...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 11:57 AM

Was waiting for his response...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 11:57 AM

Of course...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 11:50 AM

Jessie Molesi thanks for including me in on emails to Keith... im responding now.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 10:14 AM

I will send them a follow up email 🙏



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**ATMO Safety** | You, Don, John, 12

Jessie Molesi 4/14 10:14 AM  
I will send them a follow up email 📧

---

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/14 10:14 AM  
yes, lets expedite the gilirator service so the guys dont need the mask for too long.

---

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 4/14 10:13 AM  
Hopefully they acknowledge that we are working on it...

---

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 4/14 10:13 AM  
Working on making that SOP for the new PPE and gonna adjust the RPP to include the provided PET test and new PPE. Also will upload these new med evaluations when they get back. Once i get this service code i can send in the Gilirator so we can add that we do our own sampling and analysis into the RPP program...

---

John | Private | You, John and Jordan

Russell Tidaback (You) 4/14 10:10 AM  
Check the **ATMO Safety** chat... Jessie was inquiring as well.

---

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/14 10:09 AM  
Oh no, I think you are doing a stand up job... State to State will have different "guidelines". Unfortunately, from an inspectors point of view, to protect yourself as an inspector, you need to be sure of your source and reference that source.

---

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 4/14 10:07 AM  
Sorry just checking so many sources that i feel like differ or state different than others...

---

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/14 10:06 AM  
Yes that is my understanding as well. A 104 (b) is not a withdrawal order... a 104(d), 104(g), and a 107(a) ORDERS are withdrawal orders. [https://www.law.cornell.edu/cfr/text/30/104.2...](https://www.law.cornell.edu/cfr/text/30/104.2)

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**ATMO Safety** | You, Don, John, + 2

**JM** | Jessie Molesi - 4/14 9:40 AM  
104b.png104b2.png Sir i just want to check for my...

**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** - 4/14 8:16 AM  
Jessie Molesi Correct me if I am wrong but based off the email we have to get everyone medically check which I will by tomorrow and get a PAPR system for each associate and have them fit tested before we can get a modified 104(b) to then open and run our own sample and have it ran for analysis. Jessie Molesi following...

**ATMO Safety** | You, Don, John, + 2

**JM** | Jessie Molesi - 4/13 7:17 PM  
Also i sent an email to markeson asking for some reference material but also if he or someone else could come out and at the very least allow lighting and power to the maintenance shop still awaiting response...

**ATMO Safety** | You, Don, John, + 2

**JM** | Jessie Molesi - 4/13 7:10 PM  
Frustrating hope to get the sample and analysis program up and running so we can keep track of ourself...

**ATMO Safety** | You, Don, John, + 2

**JM** | Jessie Molesi - 4/13 6:47 PM  
[https://www.emsl.com/Services.aspx?action=list&TopServiceCategoryID=8&ServiceCategoryID=8&gad=1&gclid=CjwKCAjw0N6h8hAUEiwAXab-TaWKc5oGw\\_lyQqM0n4\\_p3xBZ6t2\\_RV4ep-Jl4nexSfxBuHNyp0D1ahoCah0QAvD\\_BwE...](https://www.emsl.com/Services.aspx?action=list&TopServiceCategoryID=8&ServiceCategoryID=8&gad=1&gclid=CjwKCAjw0N6h8hAUEiwAXab-TaWKc5oGw_lyQqM0n4_p3xBZ6t2_RV4ep-Jl4nexSfxBuHNyp0D1ahoCah0QAvD_BwE...)

**ATMO Safety** | You, Don, John, + 2

**JM** | Jessie Molesi - 4/13 6:47 PM  
Will check this place tomorrow but we may need them for the sample analysis...

**ATMO Safety** | You, Don, John, + 2

**Jordan Tidaback** - 4/13 6:45 PM  
@jessie i found the mobile health service they used in the past. <https://www.phsmobile.com/> They're out of PA though, so that may be why it was expensive, because their tests weren't badly priced.

**ATMO Safety** | You, Don, John, + 2

**JS** | John Spears - 4/13 5:54 PM  
Russell Tidaback FYI... a 104(b) citation is not a withdrawal order. Ok.

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**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 5:54 PM  
FYI... a 104(b) citation is not a withdrawal order.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 5:33 PM  
oh yeah, I'd plan on fit testing them.

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/13 5:33 PM  
I will make sure to update the respiratory protection program to have these and study up to make sure I understand them. Also see if I have to do fit tests for them or not...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 5:31 PM  
Im going to see if I can find another charger so if needed we can charge two at a time.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 5:30 PM  
[image]

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/13 5:28 PM  
Is there an eta on the respirators...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/13 5:16 PM  
Might not hurt to do the 2 large and 2 medium to have options...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/13 5:15 PM  
Yea you can always adjust using the straps...



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**ATMO Safety** | You, Don, John, 12

John Spears: 4/13 5:04 PM  
You bet. I'll look for a half mask for me on Amazon. I'm sure no one wants to share my spittle.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You): 4/13 5:02 PM  
everyone agree? John Spears Jessie Moles...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You): 4/13 5:02 PM  
prob just stick with the 4 larges...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You): 4/13 5:02 PM  
[image]

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You): 4/13 5:01 PM  
She has Large and Mediums... if we get 4... should we get 4 larges or 2 Large and 2 Medium...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You): 4/13 4:59 PM  
Still waiting on the lady to call me back.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You): 4/13 4:58 PM  
good find!

**ATMO Safety** | You, Don, John, 12

JM: 4/13 4:58 PM  
This statement was on the osha.gov site...

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**ATMO Safety** | You, Don, John, 12

**mt** Jessie Molesi 4/13 4:58 PM  
The filter classified as a P100 in Part B4 is the only Part B4 filter that is, in all senses, a HEPA filter as required by 1910.1001, the asbestos standard...

**ATMO Safety** | You, Don, John, 12

**mt** Russell Tidaback (You) 4/13 4:58 PM  
its the largest particle size and the heaviest material.

**ATMO Safety** | You, Don, John, 12

**mt** Russell Tidaback (You) 4/13 4:57 PM  
PLUS... MUST, and this should be done every day anyhow, OPEN ALL WINDOWS AND DOORS. On air quality sample day, always run OGR.

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/13 4:57 PM  
Yes sir.

**ATMO Safety** | You, Don, John, 12

**mt** Russell Tidaback (You) 4/13 4:56 PM  
just have to play it smart...

**ATMO Safety** | You, Don, John, 12

**mt** Russell Tidaback (You) 4/13 4:56 PM  
maintenance guy, sits in maint office...

**ATMO Safety** | You, Don, John, 12

**mt** Russell Tidaback (You) 4/13 4:55 PM  
usually a person that isnt going to get all in it.. control room person, forklift driver, palletizer person...

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/13 4:55 PM  
Russell Tidaback this is why we hardly ever choose Jim to wear a monitor. Jim attracts the dust Yep. Dirty Jimmy.

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ATMO Safety | You, Don, John, +2

Russell Tidaback (You) · 4/13 4:54 PM  
lol...

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) · 4/13 4:54 PM  
this is why we hardly ever choose Jim to wear a monitor. Jim attracts the dust...

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) · 4/13 4:54 PM  
If they werent wearing a monitor... they wont be included.

ATMO Safety | You, Don, John, +2

JM · 4/13 4:54 PM  
I believe so just based looking off the chart i posted earlier...

ATMO Safety | You, Don, John, +2

JS · 4/13 4:53 PM  
We'll need at least 4 units. I'm afraid MSHA will ask us about the maintenance personnel. I'm sure they'll be next to be tested.

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) · 4/13 4:53 PM  
The 3M 2097 filters can be bought at lowes, ace hardware, etc...

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) · 4/13 4:52 PM  
HEPA equivalent to P100, yes?

ATMO Safety | You, Don, John, +2

JS · 4/13 4:51 PM  
I'm sure as long as it is a HEPA.

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**ATMO Safety** | You, Don, John, +2



Russell Tidaback (You) 4/13 4:50 PM

[https://www.3m.com/3M/en\\_US/p/d/v000075275/](https://www.3m.com/3M/en_US/p/d/v000075275/)



**ATMO Safety** | You, Don, John, +2



Russell Tidaback (You) 4/13 4:50 PM

Everyone agree the 3M P100 2097 filters should be sufficient?



**ATMO Safety** | You, Don, John, +2



John Spears 4/13 4:48 PM

Yes. N95.



**ATMO Safety** | You, Don, John, +2



Russell Tidaback (You) 4/13 4:47 PM

N95v ?



**ATMO Safety** | You, Don, John, +2



Jessie Moles 4/13 4:46 PM

Yes for the Admin office an N95v mask or half mask with dual respirators works...



**ATMO Safety** | You, Don, John, +2



Russell Tidaback (You) 4/13 4:46 PM

I am having her double check the on-hand inventory... she has 4 larges but is confirming this.



**ATMO Safety** | You, Don, John, +2



Russell Tidaback (You) 4/13 4:45 PM

John is good with the normal N95 as he did not test over due to going to the admin bldg etc throughout the day.



**ATMO Safety** | You, Don, John, +2



Russell Tidaback (You) 4/13 4:44 PM

Its not EVERYONE ... only those tested to be over exposed.

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**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:44 PM

yes, its only for the individuals who were tested to be over exposed.

**ATMO Safety** | You, Don, John, + 2

JM · 4/13 4:43 PM

The citation shows the 4 mill associates that were working out there at that time. So i wander what about the maintenance team...

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:42 PM

Anyone?

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:41 PM

[image]

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:41 PM

Who was exposed? John wasnt... but who else did they test? This is the number we need to buy.

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:38 PM

3?

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:35 PM

How many masks do we need? what sizes...

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) · 4/13 4:34 PM

if above N95 standards, yes...





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 **ATMO Safety** | You, Don, John, 12


 **Jessie Moles** | 4/13 4:33 PM


so the filters are good for about a week...

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** | 4/13 4:31 PM


<https://multimedia.3m.com/mws/media/150740Q/understanding-3m-p-series-particulate-respirator-filters-technical-data.pdf>...

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** | 4/13 4:30 PM


Thats fine... we only produce to a 10 micron...

 **ATMO Safety** | You, Don, John, 12


 **John Spears** | 4/13 4:29 PM


Jordan Tidaback the filter part of it. Aren't they still sold with the 95, 99 or 100 class? From my research so far, the HEPA ("High Efficiency" Particulate Absorbing) filter is good down to .3 microns which is the same as the dual filter P-100 half-mask. Weather it is positive forced air flow (\$600+) or half-mask (\$80...

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** | 4/13 4:27 PM


probably the 2097 P100...

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** | 4/13 4:22 PM


yes but it has to be a High-efficiency...

 **ATMO Safety** | You, Don, John, 12

 **Jordan Tidaback** | 4/13 4:21 PM

the filter part of it. Aren't they still sold with the 95, 99 or 100 class?

 **ATMO Safety** | You, Don, John, 12

 **Russell Tidaback (You)** | 4/13 4:20 PM

Citation states we tested as high as 1.77 mg... [image]

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**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 4/13 4:19 PM  
An APF 50 or 1000 is what we are looking for [image]

**ATMO Safety** | You, Don, John, + 2

**Jordan Tidaback** 4/13 4:16 PM  
I think the 100 series is as high as it goes. I think we would just need the N since we don't spray or produce droplets from oil components that may become airborne. [image]

**ATMO Safety** | You, Don, John, + 2

**John Spears** 4/13 4:07 PM  
Russell Tidaback So... How many do we need? We only need two people to run the mill... bulk bags... I like this model. The main question is what kind of filter do we need to meet the requirements for particulate size? Since P-100 mask are only good down to .3 micron and that's not good enough for MSHA. I'm researching...

**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 4/13 3:46 PM  
<https://www.jendcosafety.com/3m-powerflow-face-mounted-powered-air-purifying-respirator-papr-6900pf-large...>

**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 4/13 3:46 PM  
three may be easier...

**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 4/13 3:46 PM  
So... How many do we need? We only need two people to run the mill... bulk bags...

**ATMO Safety** | You, Don, John, + 2

**Jessie Molesi** 4/13 3:32 PM  
They are old and outdated. The foam around the seal is dry rotted out and the helmet is outdated. They are only good for 10 years...

**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 4/13 3:31 PM  
Jessie Molesi Acknowledged. For now i have these 4 PAPR systems i found and i am seeing if they work The 4 PAPR systems we have... Do they work or need serviced or ??? Jessie Molesi...

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**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi 4/13 3:10 PM  
I was able to find this from the link inserted in the email..

**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi 4/13 3:10 PM  
MSHA Respiratory Chart.png

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 3:10 PM  
just a sec... havent read it.

**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi 4/13 3:09 PM  
The email from Mr. Pratt..

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 3:09 PM  
Jessie Molesi "based off the email ", what email are you referring to?

**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi 4/13 3:07 PM  
Correct me if I am wrong but based off the email we have to get everyone medically check which I will by tomorrow and get a PAPR system for each associate and have them fit tested before we can get a modified 104(b) to then open and run our own sample and have it ran for analysis..

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/13 12:35 PM  
Thanks, Jessie 😊

**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi 4/13 12:35 PM  
Uploaded the PFT and audiogram for the 4 associates and schedule an appointment for tomorrow morning for the 2 maintenance and John spears. Also i sent the form to Sensidyne so now we are just waiting for a response.





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 **ATMO Safety** | You, Don, John, 12


 Jessie Molesi 4/13 11:41 AM  
ok thank you....

 **ATMO Safety** | You, Don, John, 12


 Jordan Tidaback 4/13 11:38 AM  
Looks like you already had it filled out and just needed the info that I put on the PQ?


 **ATMO Safety** | You, Don, John, 12


 Jessie Molesi 4/13 11:16 AM  
Jordan Tidaback Hey is that Sensidyne Form filled out so i can send it to Sensidyne Service to get the service code so we can mail it out.


 **ATMO Safety** | You, Don, John, 12


 Jessie Molesi 4/12 8:59 PM  
I did fill all the form except the two things I circled.was waiting for that before I sent the form to sensidyne....


 **ATMO Safety** | You, Don, John, 12


 Jordan Tidaback 4/12 8:56 PM  
oh ok. Looks like you had the rest filled out in your picture already.


 **ATMO Safety** | You, Don, John, 12

 Jessie Molesi 4/12 8:53 PM  
I forwarded the email from sensidyne service....

 **ATMO Safety** | You, Don, John, 12

 Jordan Tidaback 4/12 8:50 PM  
Sorry I may be overlooking the form you sent. I only see the picture that has the shipping info circled. The PO I attached has our FedEx info on it for them to send it back to us and charge our acct. I assume we could send it to them via USPS using a medium or flat rate box. We can get the shipping label through...

 **ATMO Safety** | You, Don, John, 12

 Jessie Molesi 4/12 8:42 PM  
Yes ma'am so the form I gave you guys has to be filled out and sent to sensidyne service email and we will get a service code. Then we can send it to them and they will calibrate and certify it then sending it back to us....

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 8:40 PM  
PO-00131 SENSIDYNE.pdf So we send them the gilibrator, they calibrate it and send it back?

PO-00131 SENSIDYNE...

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 4/12 4:34 PM  
for the Gilibrator 2 setup you could use a 8" x 8" x 8" box to fit it...

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 4:27 PM  
yep exactly. Thank you.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/12 4:26 PM  
the shipping cost is determined by the box size and weight...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/12 4:26 PM  
We need you to measure the box you are going to put the gilibrator in.

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 4/12 4:25 PM  
What size packing are you looking at?

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 4:19 PM  
Jordan Tidaback So I guess the Shipping info is how we want it sent back to us? I need the measurement of the box so we can look at method of shipping and costs. And the cost is \$220 for the recalibration? is that correct to put on the PO? Just a reminder, I need the size of the gilibrator that we'll be sending so I...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/12 3:16 PM  
I personally prefer Cornell Law Schools library... its just easier to use...  
<https://www.law.cornell.edu/cfr/text/30/part-56> You can just through the chapters easier...

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**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:13 PM  
The fed site... <https://www.ecfr.gov/current/title-30-MSHA-site...> <https://a1web.msha.gov/regs/30cfr/>

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:12 PM  
then reference the CFR through many different methods... the book, online, etc.

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:11 PM  
[image]

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:11 PM  
on the citation, look here...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:10 PM  
IMO, as long as you are making the effort to resolve an issue, you are making progress. Asking for an extension time frame to terminate, should always be a given. If you dont ask you'll never get one. I believe you have made efforts to resolve the initial citation(s). That is all we can do. We cannot control the...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:05 PM  
I dont want you to be afraid of MSHA or inspections. We need to know what is right and what is wrong. We can fix what is wrong and should never rely on someone elses opinion of what right should look like. This is why we have regulations and laws:

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) - 4/12 3:04 PM  
This is a good exercise. If you have trouble finding it in the CFR, let me know and I will guide you.

**ATMO Safety** | You, Don, John, +2


Russell Tidaback (You) - 4/12 3:00 PM  
No worries... I want you to research the CFR based on the paperwork Keith gave you. This is why they have to give you a Part/Section of Title 30 CFR (block 9.c on the citation). I dont want Keiths opinion, I want you to research the details. Remember, an inspector is suppose to give you a non-bias, non-opinionated...


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 **ATMO Safety** | You, Don, John, 12


 Jessie Molesi 4/12 2:35 PM


I will check with Keith to find out what his exact source was and send it to you. I hate being confused and what to make sure I understand...

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 4/12 2:28 PM


Keith likes to add too much of his own opinion rather than keeping to what the regulation guidelines are.

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 4/12 2:27 PM


Jessie Molesi Can you provide the reference to where the CFR states that we NEED to purchase the PAPR system? Im not trying to be a pain, I just dont think we need to purchase \$12k worth of equipment which the company has never used.

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 4/12 2:25 PM


unless I am reading it wrong.

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 4/12 2:25 PM


Again, reading the CFR, it does not state that it is a requirement to purchase a PAPR system.

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 4/12 2:23 PM


Hmmm, interesting, what is "progression on working with our dust ventilation systems"? Opening the doors, windows, and turning on the exhaust fans... this has always worked in the past...

 **ATMO Safety** | You, Don, John, 12

 Jessie Molesi 4/12 2:20 PM

This sucks but I don't think MSHA is wrong they gave us time to show progression on working with our dust ventilation systems but we have not, therefore at that rate even with windows and doors open we will never be under the threshold limit for silica concentration. Also as far as the respirator Markeson explained to...

 **ATMO Safety** | You, Don, John, 12

 Russell Tidaback (You) 4/12 2:14 PM

John Spears Russell Tidaback because once again we're back to the hand grinder scenario. I agree.



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**ATMO Safety** | You, Don, John, +2

**JS** John Spears 4/12 2:14 PM

Russell Tidaback because once again we're back to the hand grinder scenario.

**ATMO Safety** | You, Don, John, +2

**JS** John Spears 4/12 2:12 PM

Russell Tidaback John Spears I'd like your thoughts on this too. I'm not very happy about this one bit. We requested a retest and time to get everyone health tested. Doing a "fit test" is useless until we find out what forms of breathing apparatuses we are able to use. I figured Mr. Pratt and Mr. Simms would have...

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 4/12 1:57 PM

John Spears I'd like your thoughts on this too.

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 4/12 1:33 PM

Jessie Molesi Have you read over the referenced sections of the CFR (56.5001 (a) / 56.5005)? I'd like to get your thoughts on this citation/order:

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 4/12 1:31 PM

Thanks. I moved them to a 12APR2023 folder. Its understandable that this MSHA stuff is frustrating and aggravating. We can only do what we can do. I guess Mr. Markeson didnt think ordering more M95 masks, the ear plugs, researching to have the Gibraltar calibration done or the scheduling of the cardio tests is effort...

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 4/12 1:13 PM

done...

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 4/12 1:08 PM

Jessie Molesi Its okay, if he issued the order to be closed down, just scan it to a 12APR2023 folder and let me know when this is completed. I have already spoken with Mr. Pratt this morning and will call him again once I see the order. John Spears...

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 4/12 1:05 PM

Yes 220 is the correct amount...

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**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 1:05 PM

This is why we have to read and understand the CFR... [image] <https://www.law.cornell.edu/cfr/text/30/56.5001>  
56.5001 Exposure limits for airborne contaminants. "Except as permitted by § 56.5005 -"  
<https://www.law.cornell.edu/cfr/text/30/56.5005> "(a) Respirators approved..."

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 1:04 PM

So I guess the Shipping info is how we want it sent back to us? I need the measurement of the box so we can look at method of shipping and costs. And the cost is \$220 for the recalibration? Is that correct to put on the PO?

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 12:51 PM

Jessie Molesi I need the PAPR systems to do fit tests on them. Also he said based on the concentrations of silica we have in the air we are required per MSHA to have either a PAPR system or SCBA system until levels can be lowered. WE have the environmental controls in place... we need to use them and have a resample.

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 12:39 PM

Yes, I'll look at that form. One moment...

**ATMO Safety** | You, Don, John, 12

**JM** **Jessie Molesi** 4/12 12:33 PM

Well for now could you help me with this form so i can get the Gilibrator sent in for recalibration. We need to get the sampling and analysis set up so we can get Citation #9539788 terminated...

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 12:20 PM

I honestly don't think we'll be going that way, but we will see. That was the whole point of the resample.

**ATMO Safety** | You, Don, John, 12

**JM** **Jessie Molesi** 4/12 12:17 PM

I need the PAPR systems to do fit tests on them. Also he said based on the concentrations of silica we have in the air we are required per MSHA to have either a PAPR system or SCBA system until levels can be lowered.

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 12:14 PM

Have we done the fit tests yet?

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 12:11 PM

We'll have to see what they say when we hear back from them. Those systems weren't required before and there is nothing in the regs that requires it. Based on our micron size, N95 masks meet that requirement. \$12K is not pocket change.

**ATMO Safety** | You, Don, John, 12

JM 4/12 12:01 PM

The MSHA inspector informed me that the doors and windows were open along with exhaust fans on the day they did sampling. He also said that we cannot do production until we have the PAPR systems and everybody is medically evaluated and fit tested.

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 11:53 AM

We've been in contact with MSHA and will let you all know what we hear.

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 11:52 AM

The point of their revisit was to do a resample. Since we weren't running, they should have come back later. When we were cited for this last month, it's possible the "engineering controls" (open doors, windows, exhaust fans) weren't being used, thus resulting in a higher concentration. When the engineering controls are...

**ATMO Safety** | You, Don, John, 12

JM 4/12 11:48 AM

The systems could be overnighted but it is an extra \$2,000 or we have to wait until the 19th of April for the \$0 option...

**ATMO Safety** | You, Don, John, 12

JM 4/12 11:38 AM

Sent an email that has the PAPR systems we need to get up and running again...

**ATMO Safety** | You, Don, John, 12

JM 4/11 3:35 PM

Also I talked to Joplin Fire Protection and they said if we bring both fire extinguishers in it would cost \$45 to recharge them.

**ATMO Safety** | You, Don, John, 12

JM 4/11 3:14 PM

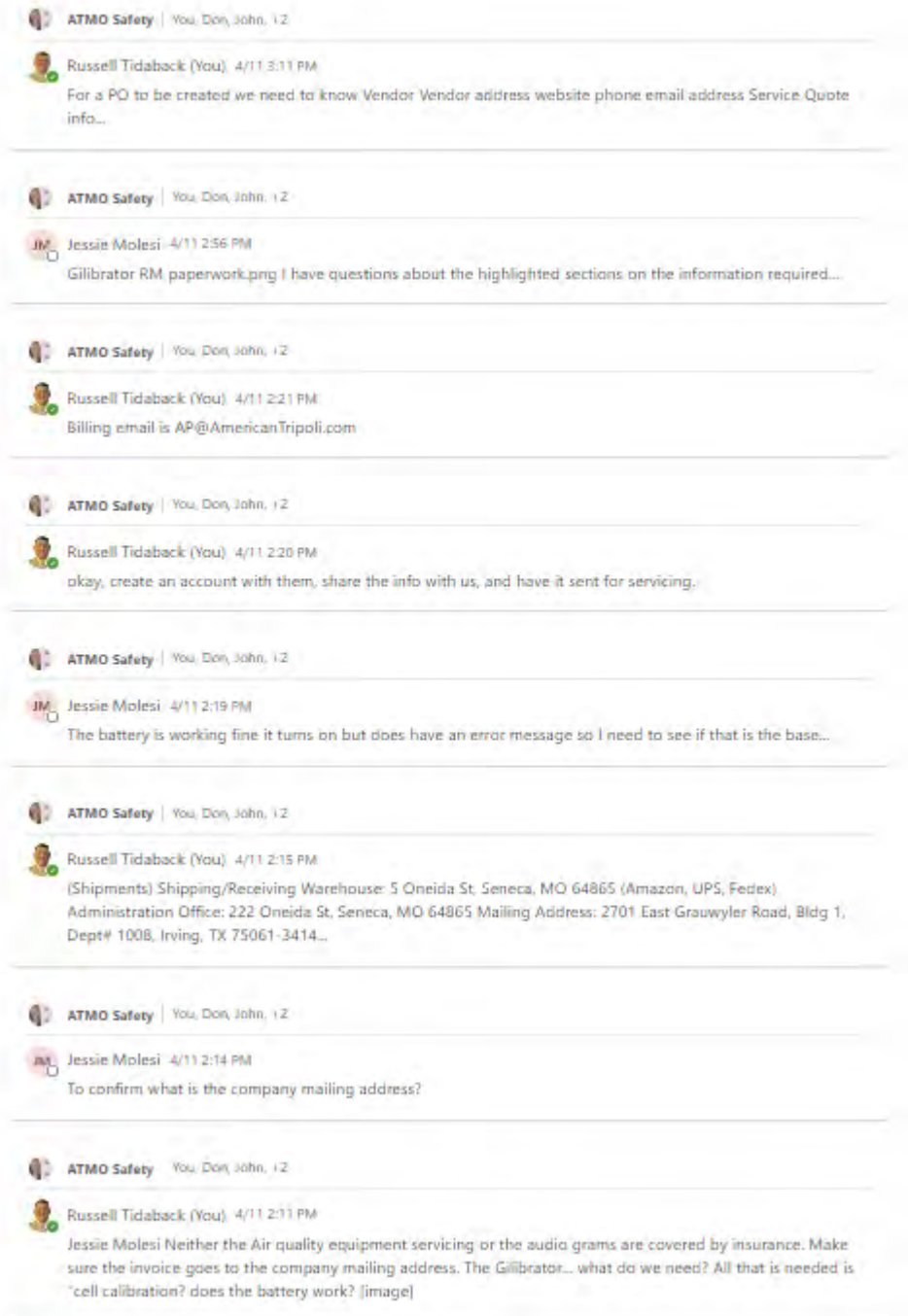
so would we do a credit card or do you want me to get the info for the PO. Also not sure what to put for carrier and shipping method.

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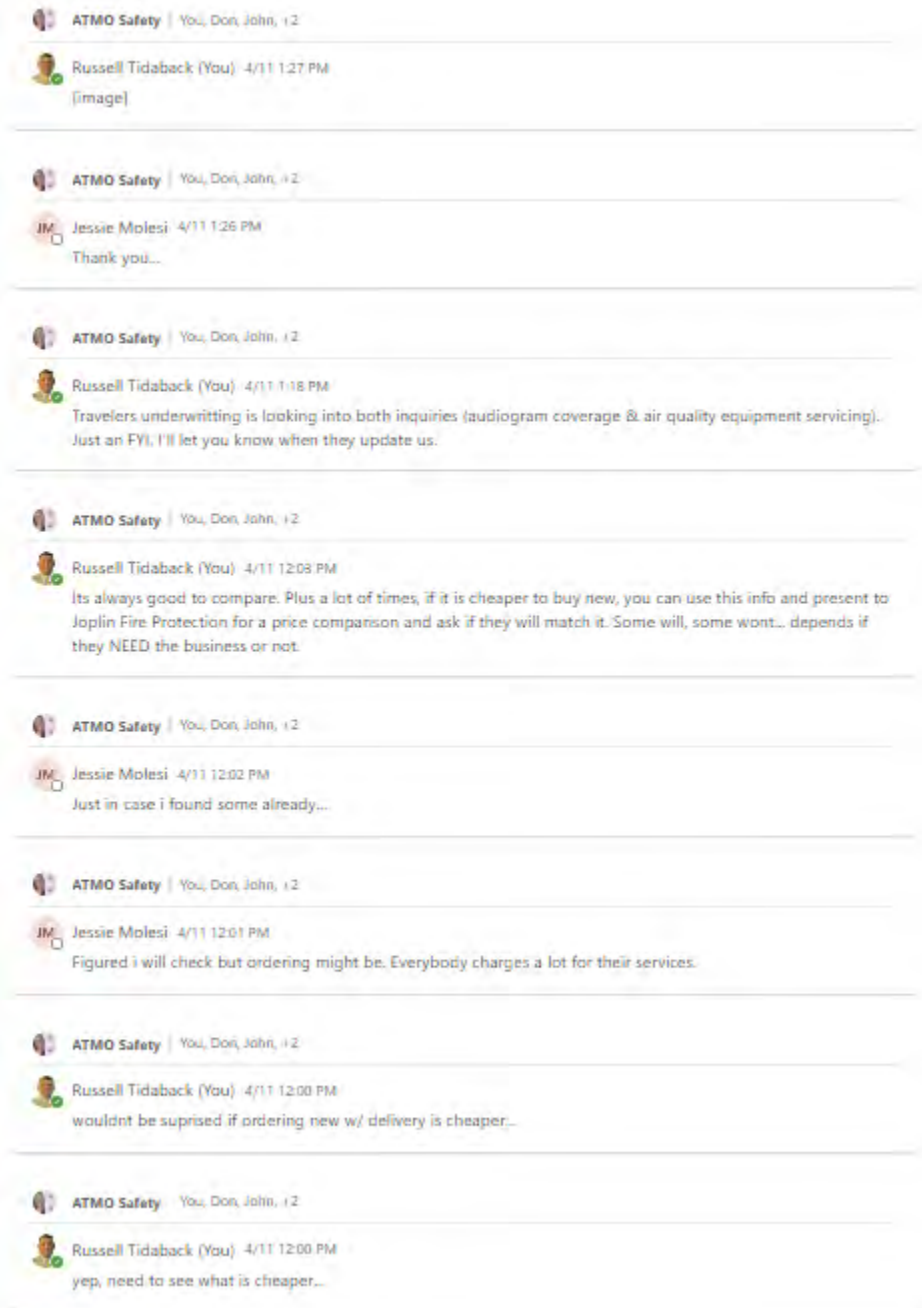


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**ATMO Safety** | You, Don, John, 12  
JM Jessie Moles 4/11 11:59 AM  
we do have the old ones and I can contact Joplin Fire Protection to have them come out and recharge the tanks.

**ATMO Safety** | You, Don, John, 12  
Russell Tidaback (You) 4/11 11:59 AM  
We will get the eye wash fluid ordered and send you a delivery status.

**ATMO Safety** | You, Don, John, 12  
Russell Tidaback (You) 4/11 11:57 AM  
Ref. Items needed email... fire extinguishers... do we have the old ones? Are they chargeable? do we have extra extinguishers in the garage or the mill storage room (room just outside the maintenance area)? Jessie Moles...

**ATMO Safety** | You, Don, John, 12  
Russell Tidaback (You) 4/11 11:40 AM  
Ive been on the phone with them for 20 minutes waiting already...

**ATMO Safety** | You, Don, John, 12  
Russell Tidaback (You) 4/11 11:39 AM  
yes, you can send them...

**ATMO Safety** | You, Don, John, 12  
Russell Tidaback (You) 4/11 11:39 AM  
yep, they wont give you the info. Your not an authorized rep...

**ATMO Safety** | You, Don, John, 12  
JM Jessie Moles 4/11 11:38 AM  
I called the insurance company and left a message so I'm still not sure if the audiograms are covered until I get a call back. Am I still fine to send the 4 mill associates for audio and PFT tomorrow morning during maintenance fixes.

**ATMO Safety** | You, Don, John, 12  
JM Jessie Moles 4/11 11:22 AM  
copy that...

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**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/11 11:20 AM

Post pages for Workmans Comp - **ATMO.pdf** Make sure these get posted to the cork board in the Mill Breakroom.

Post pages for Workm...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/11 11:08 AM

USAA -> Travelers...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/11 10:45 AM

what is the insurance company we use?

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/11 9:53 AM

Insurance company doesnt open until 9am CST. Glibrator 2, noted, placed on list of things needed.

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/11 9:49 AM

Also are we good on the calibration of the Glibrator 2...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/11 9:46 AM

Where you able to see if the audiogram is in our coverage so the 4 mill associates are good for tomorrow morning to get the PFT test and audiogram done.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/10 6:08 PM

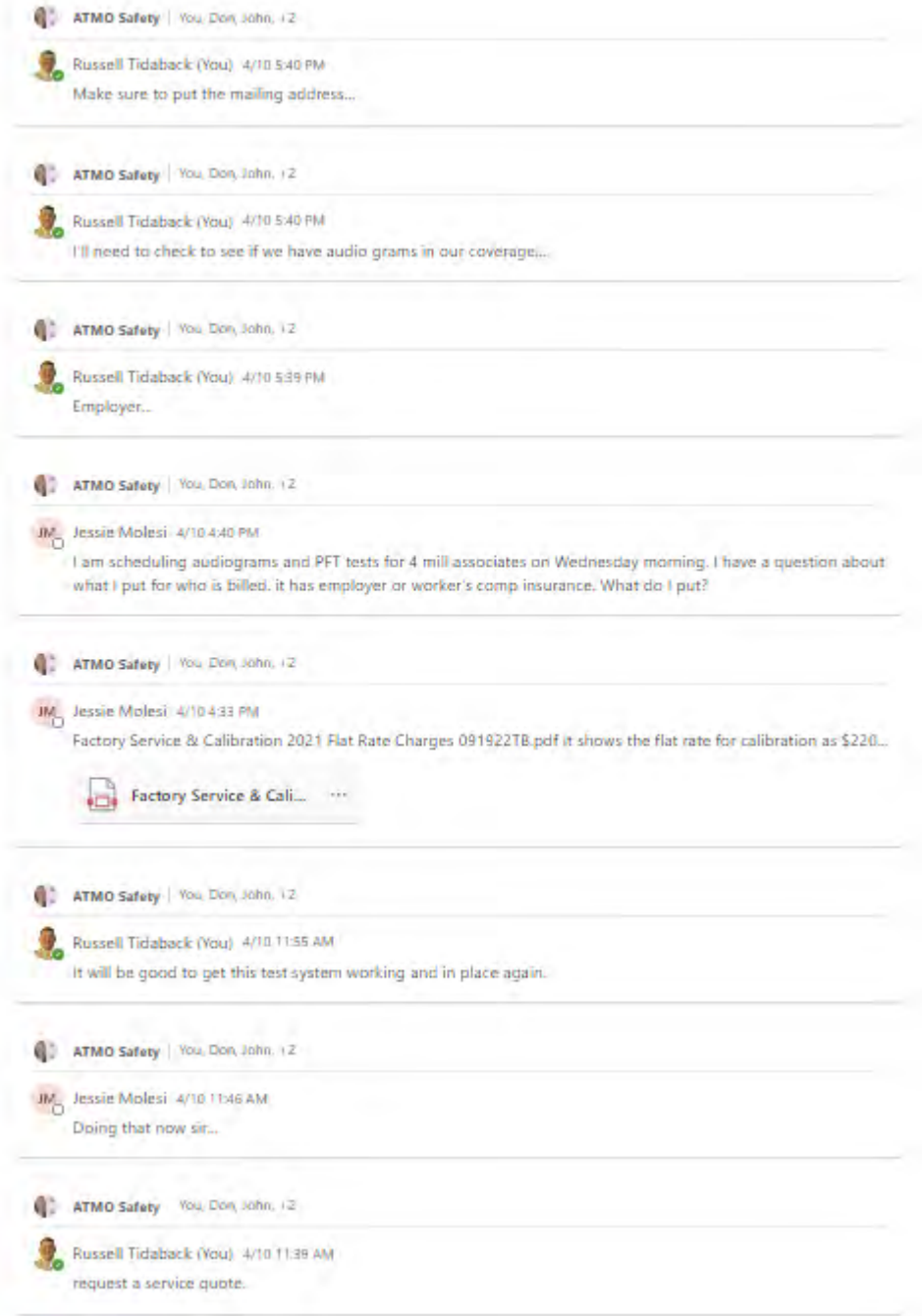
For the invoice...

**Mailing Address:**

2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
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**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/10 11:18 AM

I saw the previous invoice for it from 2012 when it was last done and it was \$350. I have emailed the service section of the company for an updated invoice.

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/10 11:14 AM

Hi Jessie Moles - How much is the calibration?

**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/10 10:48 AM

[https://www.sensidyne.com/Service/Sensidyne\\_Service\\_RMA%20Request\\_Form\\_101822TB.pdf...](https://www.sensidyne.com/Service/Sensidyne_Service_RMA%20Request_Form_101822TB.pdf...)

**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/7 4:20 PM

The Gilibrator 2 cell calibration \

**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/7 4:19 PM

\*Service Return Form 2018 (sensidyne.com)

**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/7 4:19 PM

already found the fillable form out online to set it up for calibration but it needs billing information and other information i don't have. Also i sent the forms into Xpress Wellness so once they accept them we can start scheduling audiograms along with the PFT test next week 🍀

**ATMO Safety** | You, Don, John, 12

JS John Spears 4/7 4:16 PM

Jessie Moles i was able to find an air sampling kit with wearable monitors in the storage room along with a calibrator for them. The calibrator was last calibrated in 2012. The air monitors turn on and need to be calibrated... Very good. Let's find out about calibration.

**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/7 4:11 PM

I was able to find an air sampling kit with wearable monitors in the storage room along with a calibrator for them. The calibrator was last calibrated in 2012. The air monitors turn on and need to be calibrated but can't be until the main calibration system is sent into Sensidyne and recalibrated to an updated...



















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- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/6 11:09 AM  
So, I'd expect Keith on site tomorrow.
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/6 11:09 AM  
Email sent, you guys were Ccd.
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/6 11:04 AM  
I will send Keith an email asking for an air resample.
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/6 10:57 AM **IMPORTANT**  
...The guys will need to keep clean shaven; no beards. The RPP document is in the **Safety** and Environmental Group files, if they care to read it.
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  JM 4/3 9:40 AM  
Xpress Wellness Urgent Care - Miami (918) 540-9077 <https://g.co/kgs/gdiQZe...>
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/3 9:39 AM  
As for teleworking, I have no problem with it. Please get a letter from your unit commander signed stating that he/she has no problem with you working on your civilian job tasks while on drill status. Just so we dont run into issues.
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/3 9:38 AM  
John will get it.
- 
-  **ATMO Safety** | You, Don, John, 12
- 
-  Russell Tidaback (You) 4/3 9:38 AM  
perfect...
-

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**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:38 AM  
and John...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/3 9:38 AM  
I already forwarded it to John...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:38 AM  
email Jordan...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/3 9:37 AM  
Yes I can forward the email to you...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:37 AM  
Do you have their contact info?

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/3 9:37 AM  
I couldn't get the paperwork I needed from occurred so I found this company called xpress wellness that does both the Audio and pft test...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:35 AM  
Jordan Tidaback can you find the audio bus from last time...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:34 AM  
yes, the audiogram testing bus... we will have to look up who performed it in the past. It would be best to schedule it for a Wednesday morning. If we can get it scheduled, we can get an extension for the citation from Keith. John Spears we may need to assist Jessie with this since he is on Drill orders.

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback · 4/3 9:32 AM

Yes, thanks Jessie. When scheduling, please try to schedule it where we don't interfere with production. Whether it be on a Wednesday morning, during maintenance time or people are spread out so only one is gone at a time and we can still produce. I think they had a service come out one time and do testing on site.

**ATMO Safety** | You, Don, John, 12

Jessie Molesi · 4/3 9:32 AM  
John Spears Will do!

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) · 4/3 9:31 AM

Jessie Molesi As a Guardsman, you may be able to work your civilian job while on orders depending on the type of orders you are on and the policies of your unit. However, you need to consult with your unit leadership to ensure compliance with regulations, unit policies and get explicit written permission from your...

**ATMO Safety** | You, Don, John, 12

John Spears · 4/3 9:24 AM

Jessie Molesi Still gonna try to telework to get my hours but gonna work on scheduling everybody for the audio gram and pft test Very good. Keep after it. Much appreciated.

**ATMO Safety** | You, Don, John, 12

Jessie Molesi · 4/3 9:23 AM

Still gonna try to telework to get my hours but gonna work on scheduling everybody for the audio gram and pft test...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) · 4/3 9:13 AM

Oh, right...

**ATMO Safety** | You, Don, John, 12

John Spears · 4/3 9:13 AM

Russell Tidaback Jessie Molesi Please ensure all doors, windows, etc are open. 🙏 Jessie is at Guard duty. I'll make sure.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) · 4/3 9:06 AM

Jessie Molesi Please ensure all doors, windows, etc are open 🙏



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**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 2:03 PM

Lets wait until we hear back from Norman Z.

**ATMO Safety** | You, Don, John, +2

Jordan Tidaback 3/31 1:52 PM

...I'm updating the training plan with the "Live interactive instructor led videoconference" teaching method and also including Jessie as a **Safety** POC....

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 1:13 PM

It takes time... but we will get there. Any training or related MSHA questions dont hesitate to reach out to Norman Zeman, Zeman.Norman@DOL.GOV, he has always been a good reference for things MSHA related. He usually responds with 24 hrs where other people... it make take weeks.

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 1:08 PM

Again, you are part of the operations team that keeps the employees safe and keeps the company compliant with outside organizations. As you learn the role and its responsibilities, you will understand more of whats right and whats wrong. 99% of the time we receive a citation... its going to be an oversight because...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 1:05 PM

Jessie Molesi Anytime you receive a MSHA citation, Always look at the I use the Cornell Law School library for the e-CFR, as they have it broken down to an easier to read format... <https://www.law.cornell.edu/cfr/text/30/56.5001> you can jump to specific sections quickly (see arrows)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 12:53 PM

IMO, I dont know why they, who ever built the building, just didnt run chain link fencing around the bottom of the building and remove the floor level walls of the bldg. Air flow problem resolved.

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 12:51 PM

windows, doors, and exhaust fans... is the "engineering control" to address the air quality issue.

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 12:50 PM

I wouldnt be suprised if they dont, and I wouldnt put too much effort into them. Again, from previous owner and mill management... they were never used in the Mill.

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**ATMO Safety** | You, Don, John, 12

Jessie Molesi 3/31 12:49 PM

Acknowledged. For now i have these 4 PAPR systems i found and i am seeing if they work...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/31 12:47 PM

Jessie Molesi please acknowledge.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/31 12:47 PM

but for the immediate fix... as I dont think, and if I remember correctly, we have those PAPRs but have never used them... have all the doors and windows open anytime the mill is operating AND have all the exhaust fans on. This is part of the Mill start up and shut down steps Rob should be ensuring is done everyday.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/31 12:45 PM

I will stress with you... any MSHA inspector is not your friend. Anything you say to or in their presence can AND WILL be used against you in a court of law. Hopefully, this will never be needed BUT just be well aware.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/31 12:43 PM

Jessie Molesi Keith is a good guy, you may want to connect with him on how to build a good tracking and managing system for the citations.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/31 12:42 PM

Travelers is our carrier. I'll look into this... never heard of this being done but learn something new everyday when dealing with MSHA. 🤔

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 3/31 12:41 PM

Russell Tidaback who is our carrier insurance the MSHA inspector told me that I could contact them and see if they offer programs to send us the equipment we need to do air surveys and send the equipment back for analysis.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/31 12:39 PM

Hi Jessie... With the MSHA citations today... "Engineering Controls" are easier and more effective that a respirator. The thing to take in consideration is the amount of air flow through the building during an air sampling. eg open all doors, open all windows on all floors, and turn on all exhaust fans... this probably...

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**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:38 AM  
Daily workplace - Maintenance Team inspection... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VUNkR8WjZaQjhKQlc0M1dFQlVXMDdESE1YQjQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VUNkR8WjZaQjhKQlc0M1dFQlVXMDdESE1YQjQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:37 AM  
Daily Workplace Inspection... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VUQjUxM1QwQUFQVONOTVBSTBISExNNTASUCQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VUQjUxM1QwQUFQVONOTVBSTBISExNNTASUCQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:36 AM  
Here is the Daily Workplace Inspection... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VURFU0NEY0QlpRRUMwNVFYU01RQ1RVOUTKSSQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VURFU0NEY0QlpRRUMwNVFYU01RQ1RVOUTKSSQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:35 AM  
Here is the Forklift Inspection... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VUOENTSUdUQjY5QFA4MTYtKRXN0g2NEINQSQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VUOENTSUdUQjY5QFA4MTYtKRXN0g2NEINQSQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:34 AM  
Here is the Mobile Equipment Pre-Operation Inspection you can edit... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VUOENTSUdUQjY5QFA4MTYtKRXN0g2NEINQSQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VUOENTSUdUQjY5QFA4MTYtKRXN0g2NEINQSQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:25 AM  
Here is the Mill Associate you can edit... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VURTJREpYSEIQV1ZZMU5MN1RaWTFISUZBUiQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VURTJREpYSEIQV1ZZMU5MN1RaWTFISUZBUiQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/31 11:22 AM  
Jessie Molesi Here is the Mill Lead form you can edit... [https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8\\_fmSyetSVMumXsGSt09-VUN1E4MEVRRjZQS1hKUFdiSjNWUTFTRE01WCQIQCN0PWcu...](https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&FormId=7slRzd0l0UK57uwba3PsJ8_fmSyetSVMumXsGSt09-VUN1E4MEVRRjZQS1hKUFdiSjNWUTFTRE01WCQIQCN0PWcu...)

**ATMO Safety** | You, Don, John, +2

JM, Jessie Molesi 3/31 11:15 AM  
Jordan Tidaback For the workplace exam for the Mill Lead could you add a section to it so we can see when the problems listed are fixed. So it can all stay in one document that way we can what was wrong and when it got fixed. I saw MSHA requires for our workplace exam to also have on it when the problem was fixed.


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 **ATMO Safety** | You, Don, John, 12


 John Spears 3/30 5:06 PM


Jordan Tidaback and please know we are trying to pull strings wherever we can to get the palletizer motor back.  
Yes Ma'am! Sounds great!

 **ATMO Safety** | You, Don, John, 12

 Jessie Moles 3/30 5:06 PM

Hopefully soon 🙏

 **ATMO Safety** | You, Don, John, 12

 Jordan Tidaback 3/30 5:05 PM

and please know we are trying to pull strings wherever we can to get the palletizer motor back.



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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/30 5:05 PM  
and please know we are trying to pull strings wherever we can to get the palletizer motor back.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:05 PM  
have to know the team members weaknesses and strenghts...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:04 PM  
Thats just part of leadership...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/30 5:03 PM  
That is very much true...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:02 PM  
also, all guys seem to think we are all a bunch of 15-years old, can conquer the world and lift a million lbs... but afterwards... age reminds us that we arent teenagers anymore. With the guys in the mill, you will have to "hold their hand" and remind them to stretch, eat right, get enough sleep each night, etc...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:00 PM  
Reminder... we need to perform stretching exercises every morning. As the temperatures start to change, so does what our body requires. Drink plenty of water, stretch the muscles you know you are using, especially your legs, back, arms, and neck.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 4:49 PM  
American Tripoli Letter Head1.docx Jessie Molesi its always best when an employee states they strain or pull a muscle to make a note of what they say when you speak with...

American Tripoli Lette... \*\*\*

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 4:42 PM  
We dont need to print a copy for them but message them individually or tag them in the Mill Chat group and send the pdf link.

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**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 4:41 PM  
All the guys should be advised to read this "Manual handling of Materials" pdf...

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 4:40 PM  
<https://arlweb.msha.gov/safety>  
pro in a box/IG%2043%20OJT%20training%20modules%20surface%20NMN/Module%2016%20Manual%20ha  
ndling%20of%20materials.PDF

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 4:39 PM  
There are some ergonomics pdfs in the folders that RJ should read over. Go over these ergonomics points with him, ask him to stretch his muscles in the morning. He may not be stretching or use to using those muscles. Tomorrow morning you should speak with RJ, and ask him about the stretching exercises you two discuss.

---

**ATMO Safety** | You, Don, John, +2

**JM** 3/30 4:39 PM  
Ok thank you for that clarification I was trying to find it.

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 4:37 PM  
The term "reportable injury" as defined by MSHA, includes all incidents that require medical treatment, or result in death, or loss of consciousness, or inability to perform all job duties on any workday after the injury, or temporary assignment or transfer to another job. <https://arlweb.msha.gov/codeophone/>

---

**ATMO Safety** | You, Don, John, +2

**JM** 3/30 4:30 PM  
Russell Tidaback RJ Williams is getting an incident investigation report filled out by Rob because he twisted his back while moving a bag of product. I was just wondering if you know since he is claiming he is ok and not injured and no first-aid was needed do we just do the report and not contact MSHA?

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 11:22 AM  
Amen to that!

---

**ATMO Safety** | You, Don, John, +2

**JS** 3/30 11:22 AM  
...Check with Rob or Alex regarding Mill Associate Start up and Shut down procedures. These have been established and are on the wall in the breakroom in the mill. From the **safety** point of view, you would...


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 **ATMO Safety** | You, Don, John, +2


 Russell Tidaback (You) 3/30 11:14 AM


...From the **safety** point of view, you would want to assist John in ensuring these tasks get done and let him know directly if you noticed something isnt being addressed....

 **ATMO Safety** | You, Don, John, +2


 Russell Tidaback (You) 3/30 11:10 AM


A couple other things that came to mind regarding **safety**....Process **safety** mgmt of change form...

 **ATMO Safety** | You, Don, John, +2


 Jordan Tidaback 3/30 11:09 AM


that's great!

 **ATMO Safety** | You, Don, John, +2


 JM Jessie Molesi 3/30 11:08 AM


Also i got the monthly fire extinguisher check current besides the quarry which im doing today..

 **ATMO Safety** | You, Don, John, +2


 JM Jessie Molesi 3/30 11:07 AM


I just found the original documents and was able to scan and crop them so they have a clean image.

 **ATMO Safety** | You, Don, John, +2


 JM Jessie Molesi 3/30 11:05 AM


Of course and we are working on this other air tank so i can get the fire inspector out here for our pressure vessel inspection.

 **ATMO Safety** | You, Don, John, +2

 Jordan Tidaback 3/30 11:05 AM

Oh ok so you don't need them anymore? I'll let them know, if not.

 **ATMO Safety** | You, Don, John, +2

 Russell Tidaback (You) 3/30 11:04 AM

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**ATMO Safety** | You, Don, John, + 2

Jessie Molesi 3/30 11:04 AM

No i should be fine i was able to find the originals and send it to myself. Working on getting the mine **safety** and regulations in better shape

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/30 11:02 AM

Jessie Molesi If you need graphics work done, you can send your request to John. John has access to the Graphics team.

**ATMO Safety** | You, Don, John, + 2

Jessie Molesi 3/29 6:06 PM

If she has the time then that would be awesome...

**ATMO Safety** | You, Don, John, + 2

Jordan Tidaback 3/29 5:42 PM

I can't seem to find them. However, I can ask our graphic designer to see if she can recreate them.

**ATMO Safety** | You, Don, John, + 2

Jessie Molesi 3/29 4:32 PM

Yea those are the ones they are very informative.

**ATMO Safety** | You, Don, John, + 2

Jordan Tidaback 3/29 4:31 PM

Just looked at the Mill Regulatory and **Safety** sheet. I am not sure where Bonnie got these. I'll keep looking [image]

**ATMO Safety** | You, Don, John, + 2

Jordan Tidaback 3/29 4:28 PM

oops i didn't realize Russell already sent that.



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**ATMO Safety** | You, Don, John, 12

JM Jessie Mlesi 3/29 4:27 PM  
No those are the old mill evacuation maps.

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/29 4:28 PM  
Emergency Evacuation Floor Plan.pdf Hi Jessie Mlesi is this what you're looking for?

Emergency Evacuation...  
American Tripoli Seneca...

**ATMO Safety** | You, Don, John, 12

JM Jessie Mlesi 3/29 3:31 PM  
There are ones that are used in the mills regulatory and **safety** sheet and i was wondering where those originals are.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/29 3:30 PM  
Is this what you're looking for? Jessie Mlesi...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/29 3:29 PM  
[https://deedyco.sharepoint.com/:b/r/sites/American\\_Tripoli\\_Seneca\\_MO-SafetyandEnvironmental-Private/Shared%20Documents/Safety%20and%20Environmental%20-%20Private/Emergency%20Action%20Plan/Emergency%20Evacuation%20Floor%20Plan.pdf?csf=1&web=1](https://deedyco.sharepoint.com/:b/r/sites/American_Tripoli_Seneca_MO-SafetyandEnvironmental-Private/Shared%20Documents/Safety%20and%20Environmental%20-%20Private/Emergency%20Action%20Plan/Emergency%20Evacuation%20Floor%20Plan.pdf?csf=1&web=1)

**ATMO Safety** | You, Don, John, 12

JM Jessie Mlesi 3/29 3:19 PM  
Jordan Tidaback I can't find the originals for the mill evacuation maps. I was wondering if you knew where i could or if i would have to create some new mill evacuation maps.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/28 2:53 PM  
good timing then.

**ATMO Safety** | You, Don, John, 12

JS John Spears 3/28 1:59 PM  
Russell Tidaback Perfect, we probably need to get that done asap. Yep. They're due again here in April.


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 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 3/28 1:57 PM


John Spears I tested the extension cords and power hand tools. Mr. Closser said he could do the 3-phase stuff. Perfect, we probably need to get that done asap.

 **ATMO Safety** | You, Don, John, 12


 JS John Spears 3/28 1:57 PM

Got it, thanks...

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 3/28 1:57 PM


John Spears The continuity tests results are in the **Safety** files. Just FYI.

 **ATMO Safety** | You, Don, John, 12


 JS John Spears 3/28 1:56 PM


Russell Tidaback John Spears just did one recently... John, where is the latest one? I tested the extension cords and power hand tools. Mr. Closser said he could do the 3-phase stuff.

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 3/28 1:55 PM


thanks!!!

 **ATMO Safety** | You, Don, John, 12


 Russell Tidaback (You) 3/28 1:55 PM


I found it.

 **ATMO Safety** | You, Don, John, 12

 Russell Tidaback (You) 3/28 1:55 PM

John Spears just did one recently... John, where is the latest one?

 **ATMO Safety** | You, Don, John, 12

 Russell Tidaback (You) 3/28 1:50 PM

Continuity test. Continuity and Resistance of Electrical Equipment Grounding Tests

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**ATMO Safety** | You, Don, John, +2

Jessie Molesi 3/28 1:22 PM

Do you know where i can find the list for the electrical systems grounding test?

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/28 1:16 PM

Yep, with a 150+ year old company, believe me, it will happen more than once. This is why it is best to create a paper trail when working with a govt agency. Dont be suprised 6 months down the road, you receive an email stating they need an update on the stormwater permit application.

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 3/28 1:08 PM

Copy that they sent me through the ringer and checked everywhere including old systems and found nothing..

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/28 1:07 PM

No worries. If you called OK and they cant find a permit, they wont be coming to look for one.

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 3/28 1:06 PM

Ok all I could find was the Missouri no exposure certification for the mill. Can't find any previous storm water certificates for OK. May be looking in the wrong places. 🤔...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/28 1:05 PM

I assume that at one time, MO & OK required one but that requirement faded away. Yes, as long as we have the certificate just in case we get asked.

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 3/28 1:04 PM

Okay so can I take that off the reporting schedule since we don't need a storm water permit there...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 3/28 1:03 PM

And since we do not generate any type of waste... MO states we do not need one...

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**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 3/28 1:02 PM  
or the drying sheds, which are located in MO...

**ATMO Safety** | You, Don, John, + 2

**Russell Tidaback (You)** 3/28 1:02 PM  
yep, the Quarry is in Oklahoma and we do not do any type of manufacturing there. Only excavation of material. We do not generate any stormwater runoff at the quarry.

**ATMO Safety** | You, Don, John, + 2

**JM** 3/28 1:00 PM  
Just a little confused I contacted the Oklahoma Department of Environmental Quality and got ahold of a Misty Johnson in Stormwater permit and she could not find any permits with us at all.

**ATMO Safety** | You, Don, John, + 2

**JM** 3/28 12:27 PM  
The certificate for the Missouri No Exposure Certification is in the Mo department of natural resources folder.

**ATMO Safety** | You, Don, John, + 2

**Jordan Tidaback** 3/28 12:25 PM  
Jessie Molesi Now i just have to check for Oklahoma that was for Missouri. Ohr...

**ATMO Safety** | You, Don, John, + 2

**Jordan Tidaback** 3/28 12:25 PM  
Is it a physical piece of paper? If so, would you mind scanning a copy and putting it in one of the **safety** files in teams?

**ATMO Safety** | You, Don, John, + 2

**JM** 3/28 12:25 PM  
Now i just have to check for Oklahoma that was for Missouri.

**ATMO Safety** | You, Don, John, + 2

**Jordan Tidaback** 3/28 12:24 PM  
oh sweet! Thanks! Glad you found it.

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**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi | 3/28 12:20 PM

I updated the reporting schedule with the information on the No Exposure Certification and i found the certificate and we have till 02/14/2027 until it has to be renewed.

**ATMO Safety** | You, Don, John, 12

**R** | Russell Tidaback (You) | 3/28 11:51 AM  
for Missouri...

**ATMO Safety** | You, Don, John, 12

**R** | Russell Tidaback (You) | 3/28 11:50 AM

If you look through the documents, the last **safety** tech chased this down and found that we do not have to have a stormwater permit... the document should be in the files.

**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi | 3/28 11:48 AM  
Thank you again...

**ATMO Safety** | You, Don, John, 12

**J** | Jordan Tidaback | 3/28 11:48 AM  
Stormwater Permitting - Oklahoma Department of Environmental Quality

**ATMO Safety** | You, Don, John, 12

**J** | Jordan Tidaback | 3/28 11:47 AM  
The agency says ODEQ (Oklahoma Dept of Environmental Quality), so i assume that's for the quarry. It may be a similar situation to the mill... This has been replaced with the No Exposure Certification (MONX00844), which has to be renewed every 5 years proving we don't have anything that would expose stormwater to...

**ATMO Safety** | You, Don, John, 12

**JM** | Jessie Molesi | 3/28 11:41 AM  
I was just looking at the one on the reporting schedule.

**ATMO Safety** | You, Don, John, 12

**J** | Jordan Tidaback | 3/28 11:40 AM  
Was that for Oklahoma? i know the MQ one was good.



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**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 11:38 AM  
Sorry to bother it shows that the storm water permit hasn't been permitted since September of 1995. Is that because we don't still renew it or should I work on getting that renewed so we are good for 5 years...

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:49 AM  
Biggest thing is to get on the state dept good side with keeping us in good standing.

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:48 AM  
oh, no worries.

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 10:48 AM  
Thank you i asked to early and just found that as soon as i asked...

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:47 AM  
sure, for Missouri, Boiler & Pressure Vessel **Safety** | Fire **Safety** | Missouri Department of Public **Safety** (mo.gov)

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 10:40 AM  
No not familiar with the inspection do you possibly know where I could find it?

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:39 AM  
Nice... then yes. Ask John, what is needed to hook up the other air tank before scheduling. This way we aren't having an empty tank sitting there and the inspector possibly need to come back. Are you familiar with the inspection? What they look for etc? If not, read up on it so we can be ahead of the inspector.

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 10:36 AM  
Yes sir i checked with the office she said we were due November of 2022.

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**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/28 10:35 AM

Yes, after it's confirmed when an inspection is due. If not due, no need to schedule an appt.

**ATMO Safety** | You, Don, John, 12

**JM** 3/28 10:35 AM

Ok copy that but just wanted to confirm that i'm good to set up an appointment.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/28 10:38 AM

Invoices need to be given to John.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/28 10:38 AM

Look for the the last pressure vessel/ tank inspection.

**ATMO Safety** | You, Don, John, 12

**JM** 3/28 10:32 AM

I contacted the department of fire **safety** and got them to update their contacts to me and John Spears. I'm about to call the travelling inspector to set up an appointment for the pressure vessel inspection. I wanted to make sure that is fine before i call...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/28 10:19 AM

Jessie Molese i just sent you an email regarding Norman Zeman from MSHA. He is very helpful and is a good person to work with. FYI, we are in the process of having MSHA recategorize us into a Part 46 since it is more inline with what our product is an what we do. There is more to it and will explain more in details as...

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 3/28 9:33 AM

Happy to help! If you have questions on it, let us know. John will be doing most of the reporting from what it looks like...

**ATMO Safety** | You, Don, John, 12

**JM** 3/28 9:29 AM

I believe so. Thank you soo much and i feel bad because i'm pretty sure i came across that at some point and didn't process it so thank you again.

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**ATMO Safety** | You, Don, John, +2

**Jordan Tidaback** 3/28 9:27 AM  
Reporting Schedule Requirements.xlsx Hi Jessie - was it this? Reporting Schedule Requirements.xlsx

**Reporting Schedule ...**  
American\_Tripoli\_Seneca2...

---

**ATMO Safety** | You, Don, John, +2

**JM** 3/28 9:22 AM  
Jordan Tidaback I saw in an old chat that you had sent an annual filing dates for state and federal reports. I was wondering if that is the most updated one and what on that chart am i responsible for. I want to make sure i am doing everything i was hired to do.

---

**ATMO Safety** | You, Don, John, +2

**Jordan Tidaback** 3/27 3:55 PM  
Russell Tidaback created it and can point us to where the data is going.

---

**ATMO Safety** | You, Don, John, +2

**JM** 3/27 1:52 PM  
I can only see mill associate not mill lead or maintenance...

---

**ATMO Safety** | You, Don, John, +2

**JM** 3/27 1:51 PM  
Jordan Tidaback is there a location in where I can find the workplace **safety** check that the Mill lead does. I can't see when rob does it

---

**ATMO Safety** | You, Don, John, +2

**Jordan Tidaback** 3/27 12:43 PM  
It's true. Each employee should have a baseline audiogram within 6 months of employment. Thereafter, once a year. We were trying to get an annual one going. I think it would make the most sense to have it done in the colder months when we can't produce due to the temperature being below 35 degrees.

---

**ATMO Safety** | You, Don, John, +2

**JM** 3/27 12:40 PM  
Jordan Tidaback I am editing the **safety** program and I see a section that says we offer and audio gram as part of the annual physical is that true or can I take it out?

---

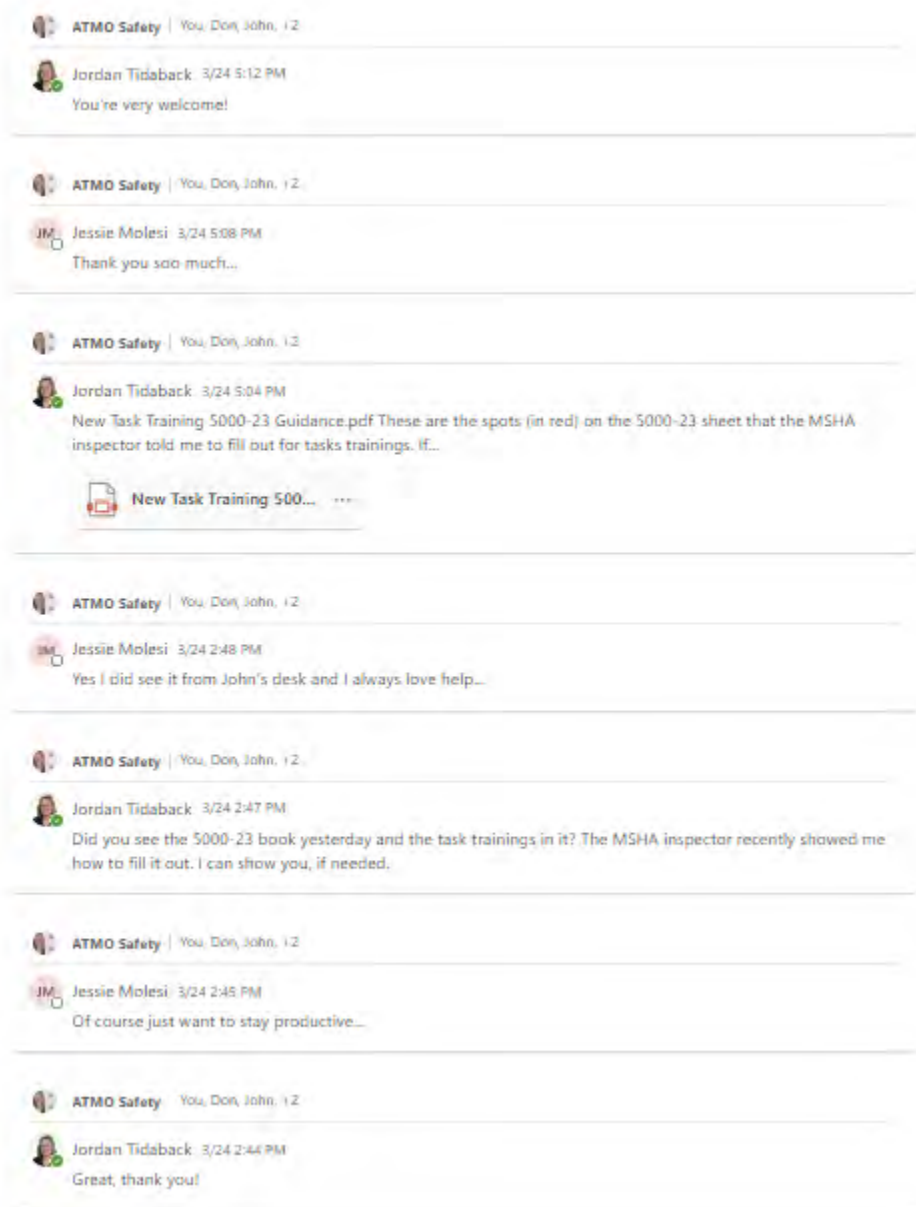


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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/28 9:27 AM

Reporting Schedule Requirements.xlsx Hi Jessie - was it this? Reporting Schedule Requirements.xlsx

Reporting Schedule ...  
American\_Tripoli\_Seneca...

**ATMO Safety** | You, Don, John, 12

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/27 3:55 PM

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**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/27 12:40 PM


Jordan Tidaback I am editing the **safety** program and I see a section that says we offer and audio gram as part of the annual physical is that true or can I take it out?


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 **ATMO Safety** | You, Don, John, +2


 Jordan Tidaback 3/24 5:12 PM  
You're very welcome!


 **ATMO Safety** | You, Don, John, +2


 JM Jessie Molesi 3/24 5:08 PM  
Thank you soo much...


 **ATMO Safety** | You, Don, John, +2


 Jordan Tidaback 3/24 5:04 PM  
New Task Training 5000-23 Guidance.pdf These are the spots (in red) on the 5000-23 sheet that the MSHA inspector told me to fill out for tasks trainings. If...


 New Task Training 500... ..


 **ATMO Safety** | You, Don, John, +2


 JM Jessie Molesi 3/24 2:48 PM  
Yes I did see it from John's desk and I always love help...


 **ATMO Safety** | You, Don, John, +2

 Jordan Tidaback 3/24 2:47 PM  
Did you see the 5000-23 book yesterday and the task trainings in it? The MSHA inspector recently showed me how to fill it out. I can show you, if needed.

 **ATMO Safety** | You, Don, John, +2

 JM Jessie Molesi 3/24 2:45 PM  
Of course just want to stay productive...

 **ATMO Safety** | You, Don, John, +2

 Jordan Tidaback 3/24 2:44 PM  
Great, thank you!

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**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 3/24 2:33 PM  
Awesome thank you for all your help gonna make sure to get those updated...

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 3/24 2:13 PM  
Looks to be a word doc in there already for that one. Standard Operating Procedures I also see a duplicate pdf of the Emergency Action Plan.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 3/24 2:03 PM  
Under SOP folder...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 3/24 2:02 PM  
2022 Mill Regulatory and **Safety** Program.pdf 2022 Mill Regulatory and **Safety** Program.pdf

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 3/24 1:52 PM  
I added the word version of the Emergency Action Plan to the folder: Emergency Action Plan Can you point me to where the Mine **Safety** Reg procedures document is? I might be overlooking it.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 3/24 1:47 PM  
Jordan Tidaback For the emergency action plan along with the mine **safety** regulation procedures do you know where i can find version I can edit and work on to get those updated and current?

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 3/24 12:33 PM  
Okay copy that sir while i work on that i guess my next stop is making sure our mine **safety** and regulatory procedures along with our emergency action plan are up to date and current...

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 3/23 11:52 AM  
Jessie Molesi check for PPE.

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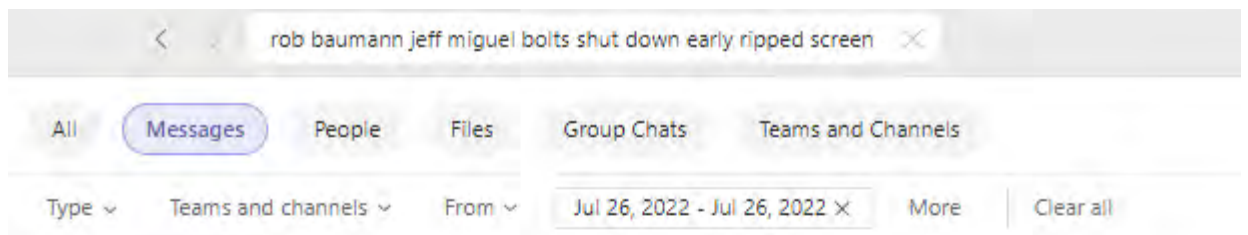


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Produce all Teams chats from the following dates containing the following topics:

- July 26, 2022: Rob, Baumann, Jeff, Miguel, bolts, shut down, early, ripped, screen



**We couldn't find any results for 'rob baumann jeff miguel bolts shut down early ripped screen' with the applied filters.**



**Mailing Address:**

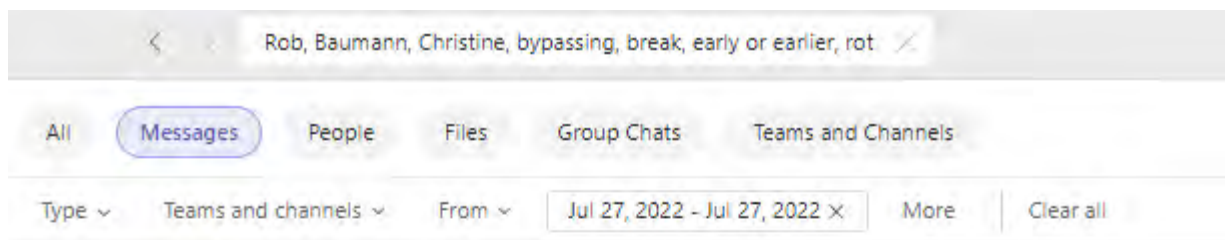
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- July 27, 2022: Rob, Baumann, Christine, bypassing, break, early or earlier, rotating or rotated, dust exposure or dust, bulk bags



**We couldn't find any results for 'Rob, Baumann, Christine, bypassing, break, early or earlier, rotating or rotated, dust exposure or dust, bulk bags' with the applied filters.**

**Mailing Address:**

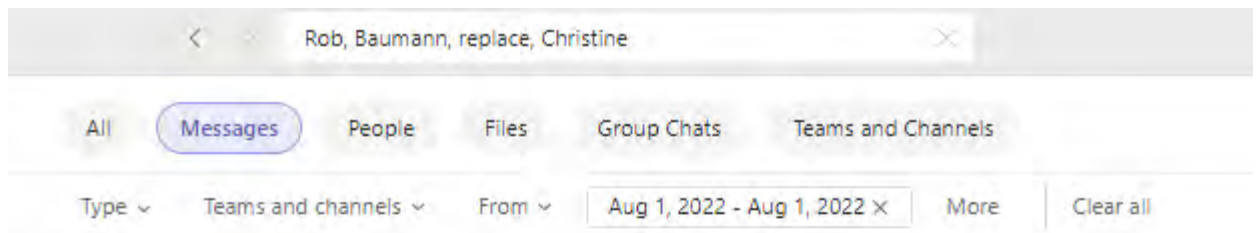
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- August 1, 2022: Rob, Baumann, replace, Christine



**We couldn't find any results for 'Rob, Baumann, replace, Christine' with the applied filters.**

**Mailing Address:**

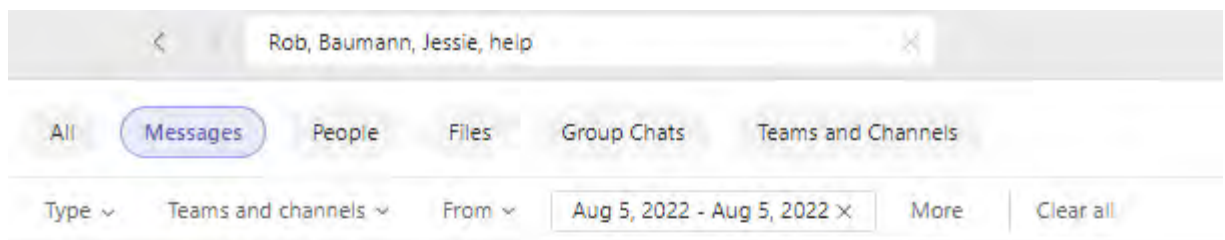
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- August 5, 2022: Rob, Baumann, Jessie, help



We couldn't find any results for 'Rob, Baumann, Jessie, help' with the applied filters.



**Mailing Address:**

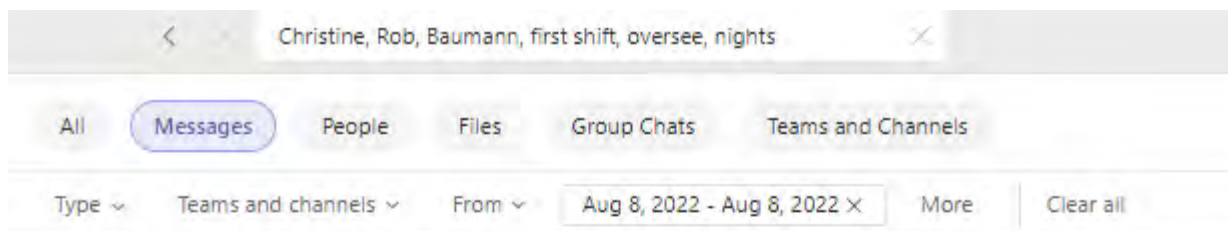
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- August 8, 2022: Christine, Rob, Baumann, first shift, oversee, nights



**We couldn't find any results for 'Christine, Rob, Baumann, first shift, oversee, nights' with the applied filters.**

**Mailing Address:**

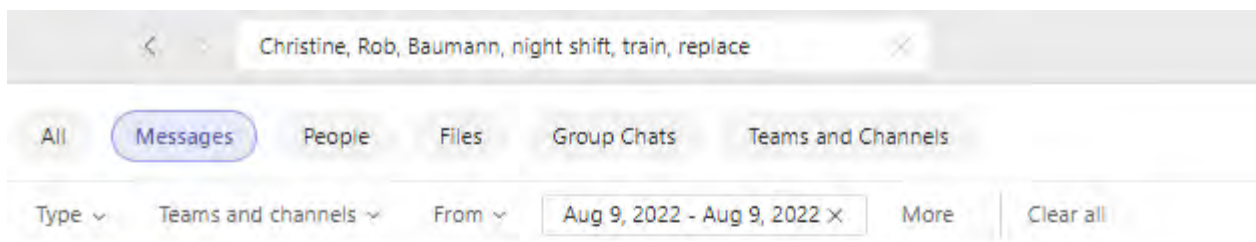
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- August 9, 2022: Christine, Rob, Baumann, night shift, train, replace



**We couldn't find any results for 'Christine, Rob, Baumann, night shift, train, replace' with the applied filters.**

**Mailing Address:**

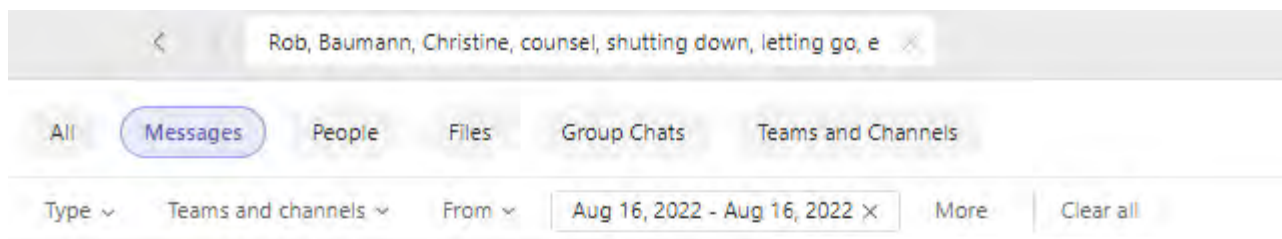
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- August 16, 2022: Rob, Baumann, Christine, counsel, shutting down, letting go, earlier or early



**We couldn't find any results for 'Rob, Baumann, Christine, counsel, shutting down, letting go, earlier or early' with the applied filters.**

**Mailing Address:**

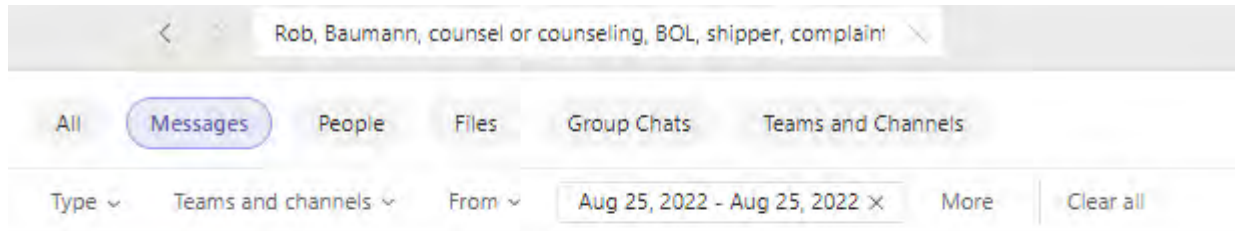
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5 Oneida Street,  
Seneca, MO 64865  
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- o August 25, 2022: Rob, Baumann, counsel or counseling, BOL, shipper, complaint or complain



**We couldn't find any results for 'Rob, Baumann, counsel or counseling, BOL, shipper, complaint or complain' with the applied filters.**

**Mailing Address:**

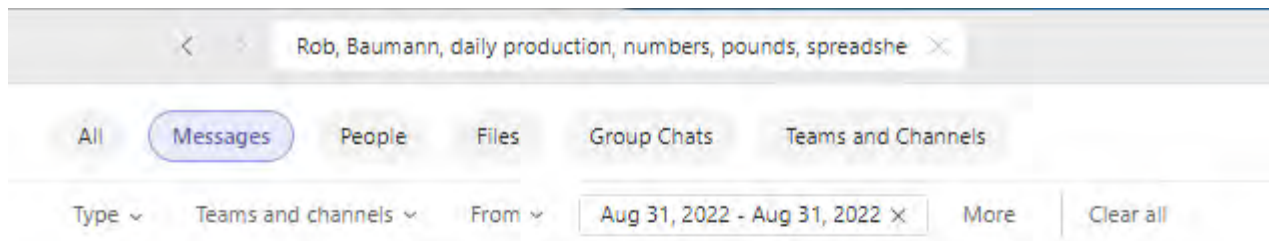
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- August 31, 2022: Rob, Baumann, daily production, numbers, pounds, spreadsheet, log in



**We couldn't find any results for 'Rob, Baumann, daily production, numbers, pounds, spreadsheet, log in' with the applied filters.**

**Mailing Address:**

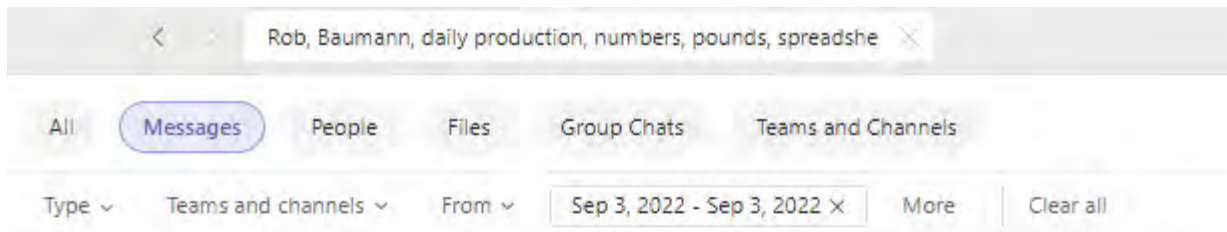
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**Shipping/Receiving Address:**

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- September 3, 2022: Rob, Baumann, daily production, numbers, pounds, spreadsheet



**We couldn't find any results for 'Rob, Baumann, daily production, numbers, pounds, spreadsheet' with the applied filters.**



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- September 28, 2022: Rob, Baumann, CILAS, reports

< >

Rob, Baumann, CILAS, reports

×

All

Messages

People

Files

Group Chats

Teams and Channels

Type ▾

Teams and channels ▾

From ▾

Sep 28, 2022 - Sep 28, 2022 ×

More

Clear all

ATMO - Operations You, Don, Gwen, +4

Russell Tidaback (You) 9/28/22 9:54 AM

Hi everyone. Just to give everyone a little insight as to why the **CILAS reports** are important for us to generate and keep accurately....There have been times where a customer states that the material is different and caused damage to their machines. This is where the **CILAS reports** come into play....We need to keep the **CILAS**...

**Mailing Address:**

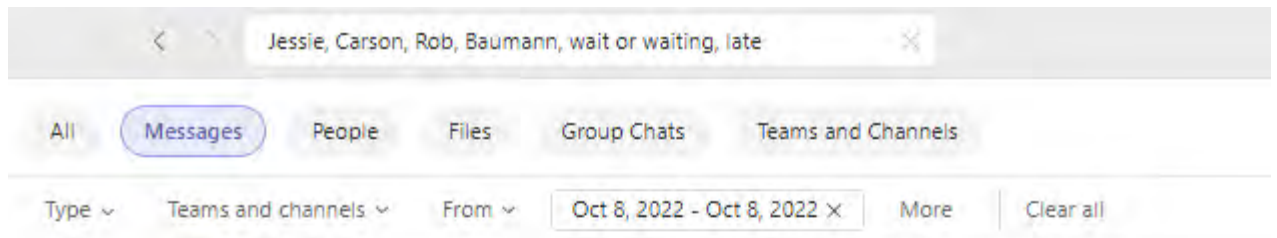
2701 East Grauwyler Road, Bldg 1,  
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**Shipping/Receiving Address:**

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- October 8, 2022: Jessie, Carson, Rob, Baumann, wait or waiting, late



**We couldn't find any results for 'Jessie, Carson, Rob, Baumann, wait or waiting, late' with the applied filters.**



**Mailing Address:**

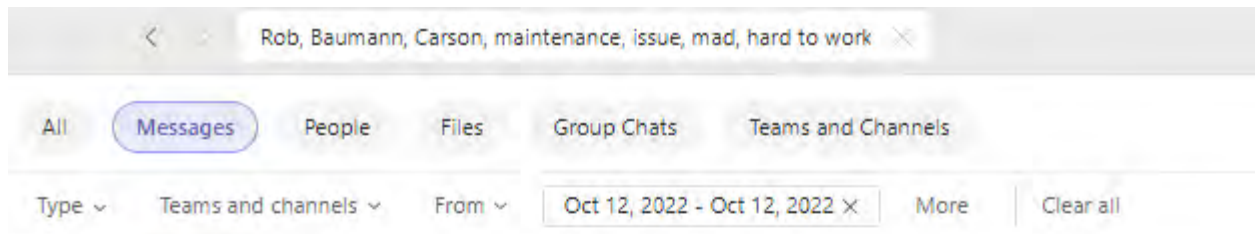
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- October 12, 2022: Rob, Baumann, Carson, maintenance, issue, mad, hard to work with, angry, combative



**We couldn't find any results for 'Rob, Baumann, Carson, maintenance, issue, mad, hard to work with, angry, combative' with the applied filters.**

**Mailing Address:**

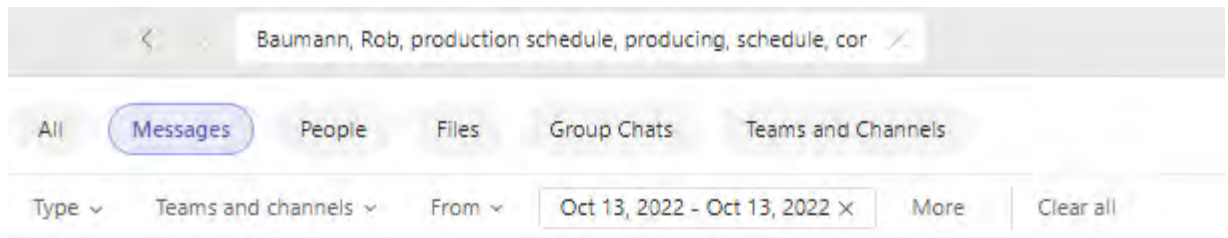
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- October 13, 2022: Baumann, Rob, production schedule, producing, schedule, computer, phone, computer work



**We couldn't find any results for 'Baumann, Rob, production schedule, producing, schedule, computer, phone, computer work' with the applied filters.**

**Mailing Address:**

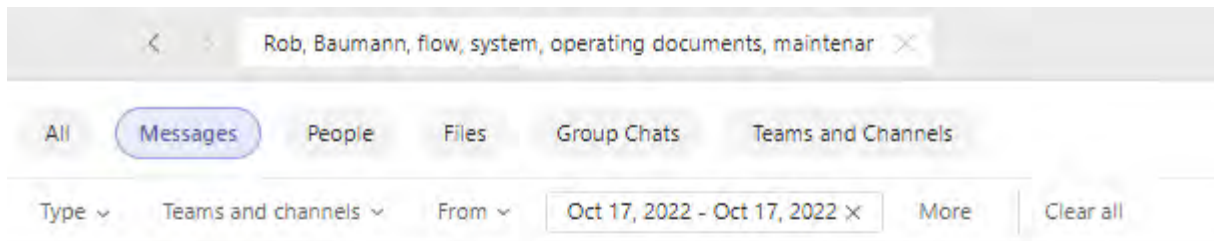
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- October 17, 2022: Rob, Baumann, flow, system, operating documents, maintenance team, files



**We couldn't find any results for 'Rob, Baumann, flow, system, operating documents, maintenance team, files' with the applied filters.**

**Mailing Address:**

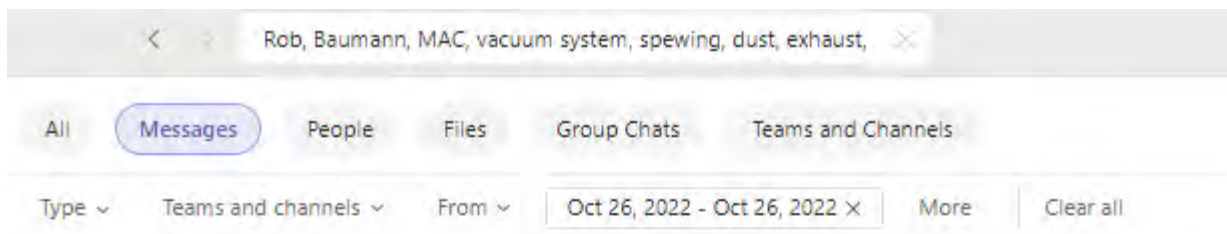
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- October 26, 2022: Rob, Baumann, MAC, vacuum system, spewing, dust, exhaust, shut down, DEQ



**We couldn't find any results for 'Rob, Baumann, MAC, vacuum system, spewing, dust, exhaust, shut down, DEQ' with the applied filters.**

**Mailing Address:**

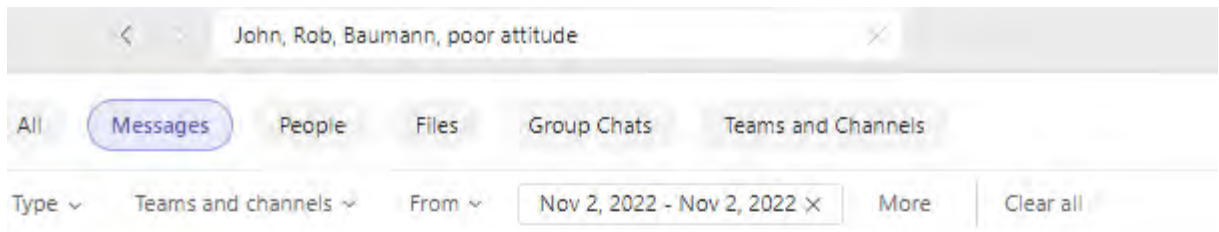
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**Shipping/Receiving Address:**

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- November 2, 2022: John, Rob, Baumann, poor attitude



**We couldn't find any results for 'John, Rob, Baumann, poor attitude' with the applied filters.**

**Mailing Address:**

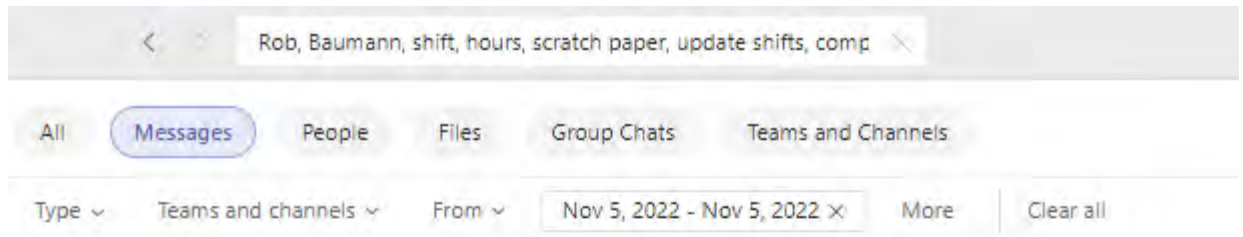
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- November 5, 2022: Rob, Baumann, shift, hours, scratch paper, update shifts, computer, phone



**We couldn't find any results for 'Rob, Baumann, shift, hours, scratch paper, update shifts, computer, phone' with the applied filters.**



**Mailing Address:**

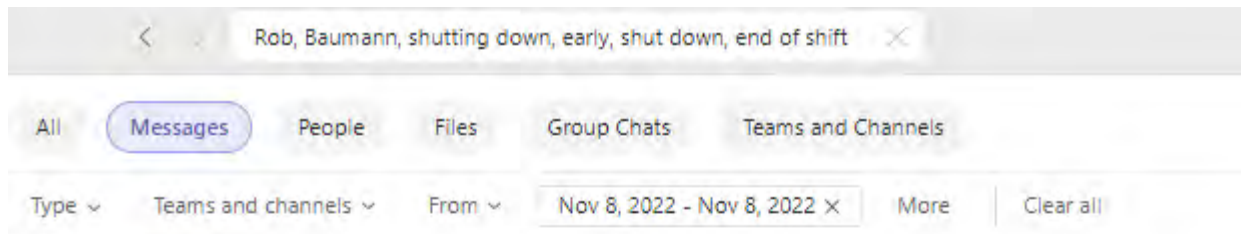
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- November 8, 2022: Rob, Baumann, shutting down, early, shut down, end of shift



**We couldn't find any results for 'Rob, Baumann, shutting down, early, shut down, end of shift' with the applied filters.**

**Mailing Address:**

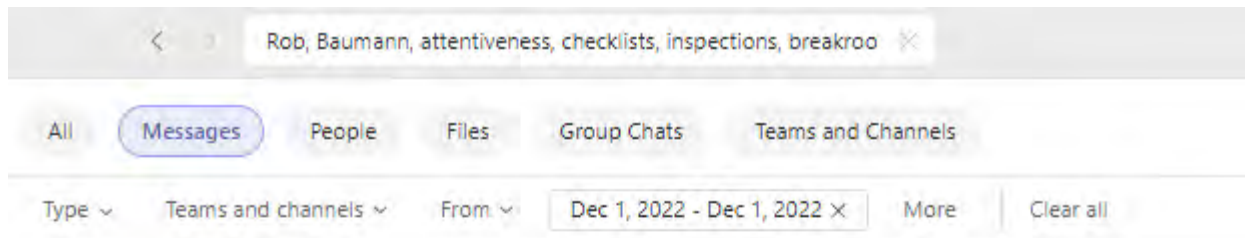
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- December 1, 2022: Rob, Baumann, attentiveness, checklists, inspections, breakroom, mess or disaster or disgusting, production floor, circuit breaker



**We couldn't find any results for 'Rob, Baumann, attentiveness, checklists, inspections, breakroom, mess or disaster or disgusting, production floor, circuit breaker' with the applied filters.**



**Mailing Address:**

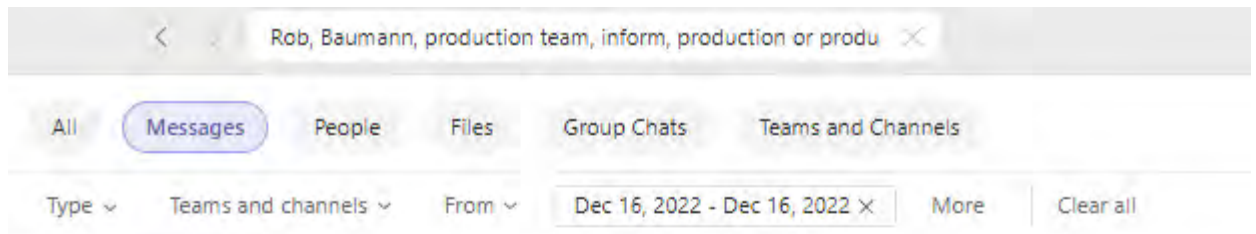
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- o December 16, 2022: Rob, Baumann, production team, inform, production or produce, team members



**We couldn't find any results for 'Rob, Baumann, production team, inform, production or produce, team members' with the applied filters.**

**Mailing Address:**

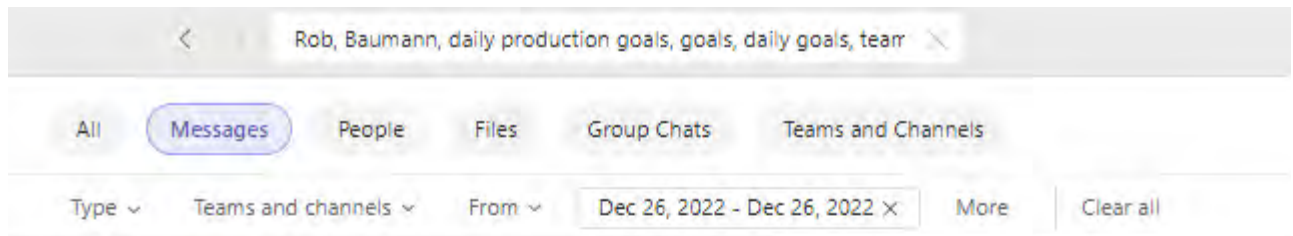
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- o December 26, 2022: Rob, Baumann, daily production goals, goals, daily goals, team members, complain or complaining, leader, tasking board



**We couldn't find any results for 'Rob, Baumann, daily production goals, goals, daily goals, team members, complain or complaining, leader, tasking board' with the applied filters.**

**Mailing Address:**

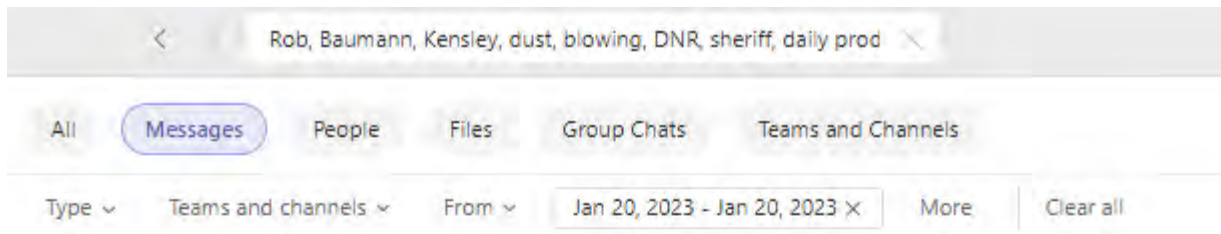
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- January 20, 2023: Rob, Baumann, Kensley, dust, blowing, DNR, sheriff, daily production, worksheet



**We couldn't find any results for 'Rob, Baumann, Kensley, dust, blowing, DNR, sheriff, daily production, worksheet' with the applied filters.**

**Mailing Address:**

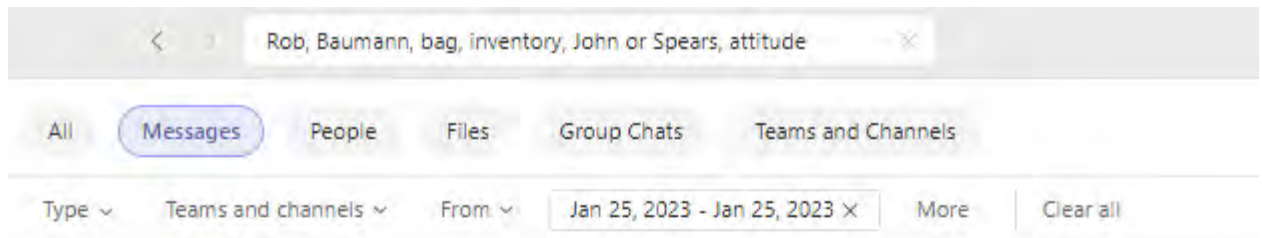
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- January 25, 2023: Rob, Baumann, bag, inventory, John or Spears, attitude



**We couldn't find any results for 'Rob, Baumann, bag, inventory, John or Spears, attitude '  
with the applied filters.**

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- February 28, 2023: Rob, Baumann, task board, paid, working, not working

< Rob, Baumann, task board, paid, working, not working

All Messages People Files Group Chats Teams and Channels

Type Teams and channels From Feb 28, 2023 - Feb 28, 2023 More Clear all



**We couldn't find any results for 'Rob, Baumann, task board, paid, working, not working' with the applied filters.**

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- March 20, 2023: Rob, Baumann, Snodgrass, Alex

Search bar: Rob, Baumann, Snodgrass, Alex

Filters: All, Messages, People, Files, Group Chats, Teams and Channels

Advanced filters: Type, Teams and channels, From, Mar 20, 2023 - Mar 20, 2023, More, Clear all



We couldn't find any results for 'Rob, Baumann, Snodgrass, Alex' with the applied filters.



**Mailing Address:**

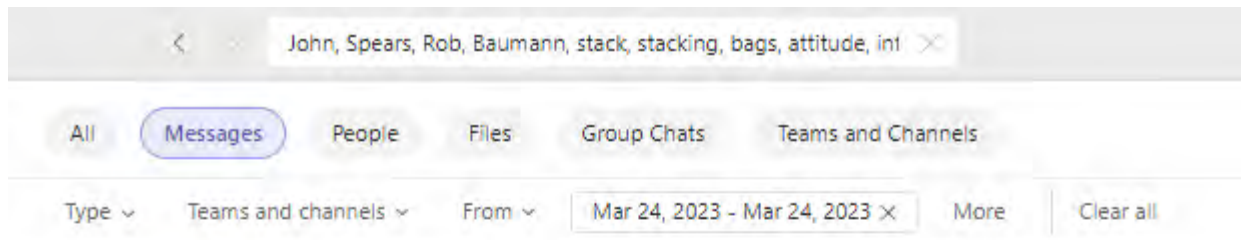
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- March 24, 2023: John, Spears, Rob, Baumann, stack, stacking, bags, attitude, infectious, Alex, Snodgrass, performance, issues



**We couldn't find any results for 'John, Spears, Rob, Baumann, stack, stacking, bags, attitude, infectious, Alex, Snodgrass, performance, issues' with the applied filters.**

**Mailing Address:**

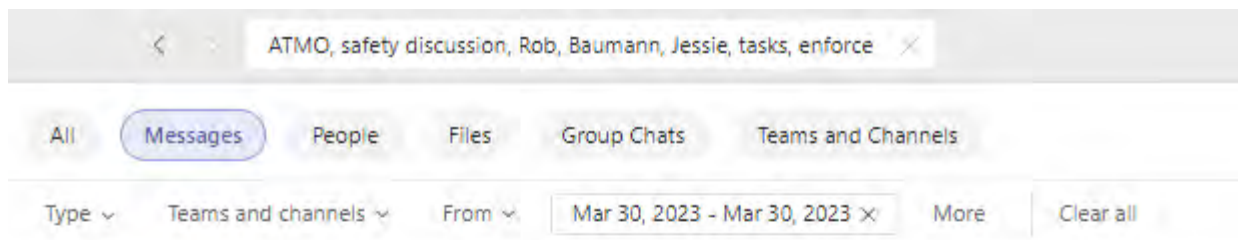
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- o March 30, 2023: ATMO, safety discussion, Rob, Baumann, Jessie, tasks, enforce or enforced



**We couldn't find any results for 'ATMO, safety discussion, Rob, Baumann, Jessie, tasks, enforce or enforced' with the applied filters.**



**Mailing Address:**

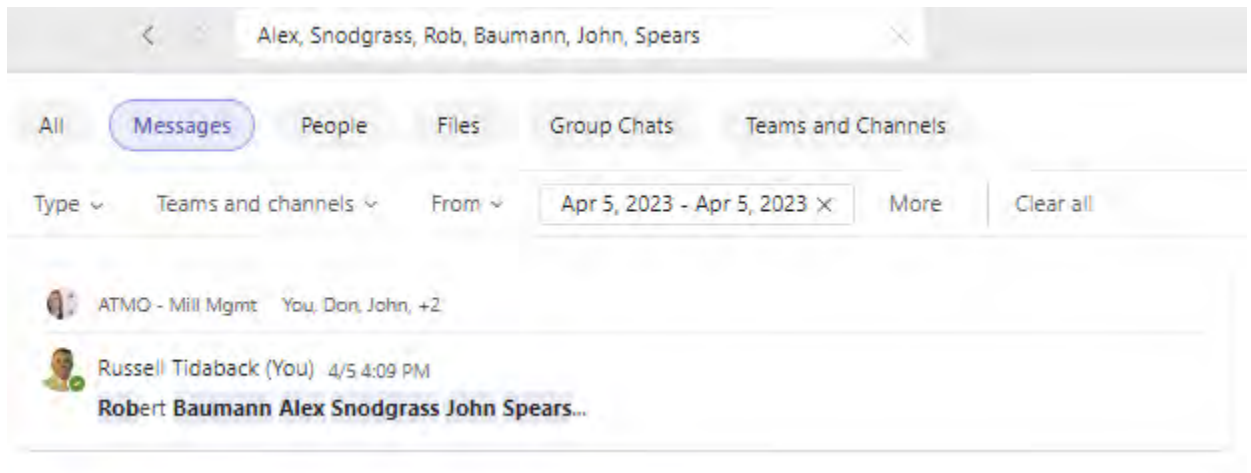
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- April 5, 2023: Alex, Snodgrass, Rob, Baumann, John, Spears



**Mailing Address:**

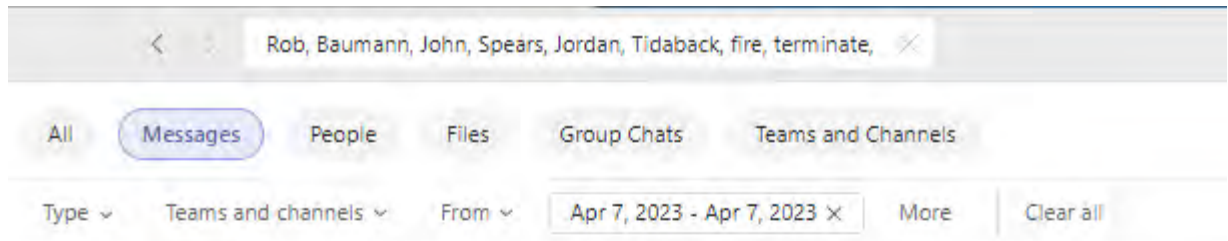
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- April 7, 2023: Rob, Baumann, John, Spears, Jordan, Tidaback, fire, terminate, let go, letting go



**We couldn't find any results for 'Rob, Baumann, John, Spears, Jordan, Tidaback, fire, terminate, let go, letting go' with the applied filters.**

**Mailing Address:**

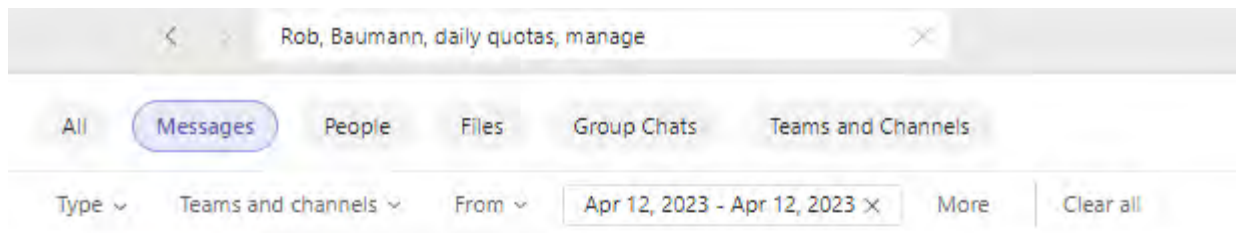
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- April 12, 2023: Rob, Baumann, daily quotas, manage



**We couldn't find any results for 'Rob, Baumann, daily quotas, manage' with the applied filters.**

**Mailing Address:**

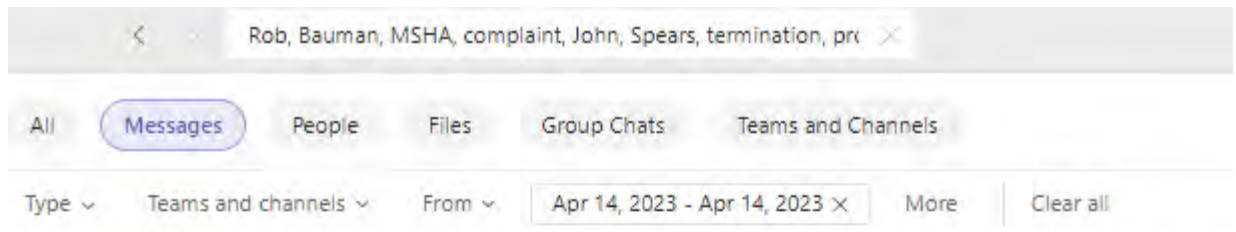
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- April 14, 2023: Rob, Bauman, MSHA, complaint, John, Spears, termination, production, performance, guidance, safety, termination letter



**We couldn't find any results for 'Rob, Bauman, MSHA, complaint, John, Spears, termination, production, performance, guidance, safety, termination letter' with the applied filters.**

**Mailing Address:**

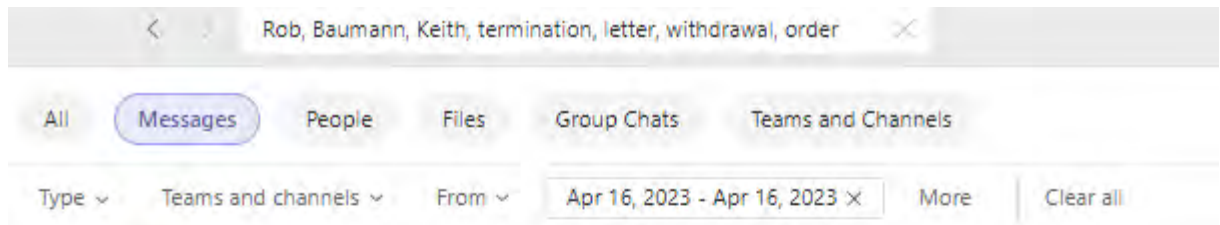
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- April 16, 2023: Rob, Baumann, Keith, termination, letter, withdrawal, order



**We couldn't find any results for 'Rob, Baumann, Keith, termination, letter, withdrawal, order' with the applied filters.**

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Dept# 1008, Irving, TX 75061-3414

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## Employee's Handbook Table of Contents

1. [Welcome](#)
2. [Getting To Know The Company](#)
3. [Employment Basics](#)
  1. [Employment Contract Types](#)
  2. [Equal Opportunity Employment](#)
  3. [Recruitment and Selection Process](#)
    1. [Background checks](#)
    2. [Referrals](#)
  4. [Attendance Policy](#)
4. [Workplace Policies](#)
  1. [Confidentiality and Data Protection](#)
  2. [Harassment and Violence](#)
    1. [Workplace harassment](#)
    2. [Workplace violence](#)
  3. [Workplace Safety and Health](#)
    1. [Preventative action](#)
    2. [Emergency management](#)
    3. [Smoking](#)
    4. [Drug-free workplace](#)
  4. [Expense Approval and Reporting Policy](#)
    1. [Purpose of Policy](#)
    2. [Scope of Policy](#)
    3. [Procedure](#)
5. [Associate Code of Conduct](#)
  1. [Dress Code](#)
  2. [Cyber Security and Digital Devices](#)
    1. [Internet usage](#)
    2. [Cell phone](#)

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- 
3. [Corporate email](#)
  4. [Social media](#)
  3. [Conflict Of Interest](#)
  4. [Associate Relationships](#)
    1. [Fraternization](#)
    2. [Gifts](#)
    3. [Employment of relatives](#)
  5. [Workplace Visitors](#)
  6. [Solicitation and Distribution](#)
  6. [Compensation & Development](#)
    1. [Compensation Status](#)
  7. [Department of Labor & Industrial Relation.](#)
    1. [Overtime](#)
    2. [Payroll](#)
    3. [Performance Management](#)
      1. [How we expect managers to lead associates](#)
    4. [Associate Training and Development](#)
  8. [Required Training for certain roles:](#)
  9. [Benefits And Perks](#)
    1. [Retirement](#)
    2. [Associate Health](#)
    3. [Workers' Compensation](#)
    4. [Work From Home](#)
      1. [Remote working](#)
    5. [Associate Expenses](#)
    6. [Company Car](#)
    7. [Parking](#)
    8. [Company-Issued Equipment](#)
  10. [Position-Related Clothing Allowance](#)
  11. [Time](#)
    1. [Working Hours](#)



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12. [Time Clock for Hourly Employees](#)

1. [Paid Time Off \(PTO\)](#)
2. [Holidays](#)
3. [Bereavement Leave](#)
4. [Jury Duty and Voting](#)

13. [Missouri Juror Info: https://www.courts.mo.gov/page.jsp?id=103118](https://www.courts.mo.gov/page.jsp?id=103118)

1. [Parental Leave](#)
  1. [Paternity and maternity leave](#)

14. [Leaving The Company](#)

1. [Progressive Discipline](#)
2. [Resignation](#)
  1. [Tuition or relocation reimbursement](#)
  2. [Forced resignation](#)
3. [Termination](#)
4. [References](#)
  1. [Resources](#)

15. [Policy Revision](#)



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## Welcome

Hello and welcome! Thank you for joining the American Tripoli team, where we strive to emphasize product quality, consistency, and excellent customer service. We can't wait to see what you will achieve with us.

This associate handbook defines who we are and how we work together. We will do everything possible to create a fair and productive workplace, but we need your help. We've created this handbook to guide you.

This handbook isn't a contract or a guarantee of employment. It's a collection of the expectations, commitments, and responsibilities. Please read this associate handbook carefully and consult it whenever you need to.

## Getting To Know The Company

American Tripoli has been in business since 1869. It has been sold and changed ownership numerous times throughout its history. The underlining purpose of the company has not changed through all of this. The company surrounds itself in the basic concept of open-pit mining, processing, manufacturing, advertising, selling, and distributing the product(s).

Make sure you utilize the company website to learn about the product(s) we manufacture and sell.

We are a growing company that will be using all available resources to make this company grow and multiple in not only in gross revenue but also global market share.

## Employment Basics

In this section, we explain the associate contract types and define the basic employment policies.

### Employment Contract Types

Full-time associates work at least 30 hours per week or 120 hours per month on average.

Independent Contractor - common situations may arise when we need for projects of short or specific

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duration where specialize knowledge or expertise is required or exigent circumstances such as meeting the operational needs when an associate goes on an extended leave of absence. Part-time associates are those who work fewer than 30 hours per week.

Full-time and part-time associates can have either temporary or indefinite duration employment contracts. Full-time associates under an indefinite duration contract are entitled to the company's medical and dental benefits package after their first 90-day employment period.

We remind you that, in the U.S., employment is "at-will". This means that you or the company may terminate the employment relationship at any time and for any non-discriminatory reason(s).

## Equal Opportunity Employment

American Tripoli is an equal opportunity employer. We don't tolerate discrimination against protected characteristics (gender, age, sexual orientation, race, nationality, ethnicity, religion, disability, veteran status). We want all associates to treat others with respect and professionalism. In practice, this means that we:

- Hire and promote people based on skills, experience or potential and try to reduce bias in every process (e.g. through structured interviews.)
- Make accommodations to help people with disabilities move about safely on the premises and use the products, services, and equipment.
- Use inclusive, diversity-sensitive language in all official documents, signs and job ads.
- Conduct diversity and communication training.

Apart from those actions, we commit to penalizing every discriminatory, offensive, or inappropriate behavior. To do this properly, we ask you to report any discriminatory action against yourself or your colleagues to your manager. If it is your manager, report it to their manager. The company will not retaliate against you if you file a complaint or discrimination lawsuit. Any associate who retaliates or discriminates will face disciplinary action.

## Recruitment and Selection Process

The hiring steps might vary across roles, but we always aim for a process that is fair and effective in hiring great people. As a Department Manager, If you are hiring for an open role, you will likely go through these steps:

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- 
- I. Identify the need for a new job opening.
  - II. Decide whether to hire externally or internally.
  - III. Review job descriptions and write a job ad.
  - IV. Get approval from Senior Management for your job ad.
  - V. Select appropriate sources (external or internal) to post your job opening.
  - VI. Decide on hiring stages and possible timeframes.
  - VII. Review resumes in the company database.
  - VIII. Source passive candidates.
  - IX. Shortlist applicants.
  - X. Screen and interview candidates.
  - XI. Run background checks and check references.
  - XII. Select the most suitable candidate.

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**XIII. Make an official offer.**

Steps may overlap, so skip steps when appropriate. Each member of a hiring team might have different responsibilities (e.g. recruiters source and hiring managers interview candidates.)

Throughout this process, we aim to keep candidates informed, communicate well with each other, and give everyone an equal opportunity to work with us. Ask the recruiters for help whenever you need to enhance candidate experience or write an inclusive job description.

**Background checks**

If you want to run background checks on candidates, ask the Operations Manager for guidance. This process is sensitive, and we must always abide by laws and ensure candidates understand the intentions. As a rule, commission a background check for finalists only. Use the contracted provider and ensure you have your candidates' permission.

**Referrals**

If you know someone who you think would be a good fit for a position at the company, feel free to refer them. If we end up hiring your referred candidate, you are eligible for \$600 referral bonus. The associate referral rewards may be higher if we hire your referred candidate in a hard-to fill role. For example, if we hire your referral for the position of Manager, you may receive \$1200.

**Additional rules for rewards:**

- Reward payout schedule is 1/3 within a month of the date we hired a referred candidate. Second 1/3 at the completion of the referred candidates first 180 days of employment. If Candidate quits, resigns, or is terminated for any reason before the completing first 180 days of employment the second ½ reward is provided. Final 1/3 at the completion of the referred candidates first 360 days of employment. If Candidate quits, resigns, or is terminated for any reason before the completing first 360 days of employment the second and or final 1/3 reward is provided

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- There is no cap on the number of referrals an associate can make.
  - If two or more associates refer the same candidate, only the first referrer will receive the referral incentives.
  - Candidates can only be referred once; all referrals are recorded.
  - Referrers are still eligible for rewards even if a candidate is hired later for same position. It is the referrers responsibility to keep a record of who they refer and when. Any discrepancy, results go to the company.

**Who can be referred?**

We have two conditions for candidates who can qualify you for the rewards. They should:

- Have not applied to the company before
- Be hired as permanent full- or part-time associates (not as temporary associates or contractors)

The company may use an online form or a platform where associates may refer candidates. You can also reach out directly to your Manager with referrals. Generally, we encourage you to check the open positions and consider your social networks and external networks as potential resources for referred candidates. Keep in mind that rewards may be subject to taxation. Please contact your Manager for more information.

**Attendance Policy**

Team Members' absence/ tardiness will be assessed using a points system. This points system starts after the first 90 days of employment. The occurrence of point 1 is forgiven, the occurrence of point 2 is a verbal warning, the occurrence of point 3 is a "written" warning, and the occurrence of point 4 results in termination. This point system resets every year, for example, if a Team Member started work on March 1st, their 90-day mark would be May 30th and they would begin the points system. Any points accrued between May 30th and May 29th of the following year would drop off, and the Team Member would restart with 0 points on May 30th that next year.

Absences count as points when they are non-approved and non-PTO. Unexpected absences still count as points, even if the Team Member notifies their manager prior to the start of the shift. Missed work without notification is a serious offense. More than 2 days in a row missed without giving notification will result in immediate termination.

Tardiness over 15 minutes will be counted as 0.5 points. Leaving work early or for some time during the day is also generally 0.5 points, but will be counted as 1 full point, if more than 2 hours of work are

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missed. Excessive tardiness where less than 15 minutes of work is missed can still be grounds for termination.

If an emergency occurs, Team Members are allotted 2 emergency days per year. These are days missed for good reason that will not count as points. The year for emergency days works the same as the year for points, starting at the 90th day of employment.

Overtime, not to exceed 50 hours per week, may be required. If overtime is required, Team Members will be given at least 2-day notice. Required overtime is considered working hours, and the points system will still apply. Volunteers may be taken for overtime work that comes up without a 2-day notification.

Absences within the first 90 days of employment are more serious. More than one absence within the first 90 days may be grounds for termination, depending on the situation.

## Workplace Policies

This section describes policies that apply to everyone at the company: associates, contractors, volunteers, vendors, and stakeholders alike. These policies help us build a productive, lawful, and pleasant workplace.

## Confidentiality and Data Protection

We want to ensure that private information about clients, associates, partners, and the company is well-protected. **Examples of confidential information are:**

- Associate records
- Unpublished financial information
- Data of customers/partners/vendors
- Customer lists (existing and prospective)
- Unpublished goals, forecasts and initiatives marked or unmarked

As part of the hiring process, we will ask you to sign non-compete and non-disclosure agreements (NDAs.) We are also committed to:

- Restrict and monitor access to sensitive data.
- Develop transparent data collection procedures.
- Train associates in online privacy and security measures.
- Build secure networks to protect online data from cyberattacks.
- Unpublished goals, forecasts and initiatives marked or unmarked



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We also expect you to act responsibly when handling any company internal information and treat it all as confidential information.

**You must:**

- Lock or secure company information at all times.
- Make sure you view confidential information on secure devices only.
- Only disclose information to other associates when it's necessary and authorized.
- Keep confidential documents inside the company's premises unless it's necessary to move them.
- There should be NO or absolute minimal printing of anything. Printing is ONLY allowed for customer shipping documents or for MSHA documentation (since they like to have a hard copy on each inspection).
- If you acquire a receipt from a purchase, delivery, mail, etc., scan the document into the system. The easiest method to do this is by using your cellphone's camera to take a picture, then upload the picture straight into the respective folder in Teams or by using the scanner in the admin building. Once you have verified the receipt is scanned and stored online, throw the paper copy away.
- We do not want paper copies of anything. We want a digital copy of every document. We want the administration of the business to be as lean as we possibly can. We want all documentation stored online. 100% no paper office is the goal. This is very important, and we cannot stress this enough. We want the assurance that if something such as a flood, a fire, a tornado, or we build a new mill building we will not be lost or struggling to quickly break from the Seneca location.
- It is your responsibility to preserve, scan, verify and store the documentation in the approved file storage provided.

**You must not:**

- Use confidential information for your personal benefit or profit.
- Disclose confidential information to anyone outside of the company.
- Replicate confidential documents and files and store them on insecure devices.

This policy is important for the company's legality and reputation. We will terminate any associate who breaches the confidentiality guidelines for personal profit and seek legal recourse. We may also

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discipline any unintentional breach of this policy depending on its frequency and seriousness. We will terminate associates who repeatedly disregard this policy, even when they do so unintentionally.

## Harassment and Violence

To build a happy and productive workplace, we need everyone to treat others well and help them feel safe. Each of us should do the part to prevent harassment and workplace violence.

### Workplace harassment

Harassment is a broad term and may include seemingly harmless actions, like gossip. We can't create an exhaustive list, but here are some instances that we consider harassment:

- Sabotaging someone's work on purpose.
- Commenting derogatorily on a person's ethnic heritage, religious beliefs, or sexual preference.
- Train associates in online privacy and security measures.
- Starting or spreading rumors about a person's personal life.
- Ridiculing someone in front of others or singling them out to perform tasks unrelated to their job (e.g. bringing coffee) against their will.

Sexual harassment is illegal, and we will seriously investigate relevant reports. If an associate is found guilty of sexual harassment, they will be terminated immediately.

If you're being harassed, whether by a colleague, customer, or vendor, you can choose to talk to any of these people:

- Offenders. If you suspect that an offender doesn't realize they are guilty of harassment, you could talk to them directly to resolve the harassment. This tactic is appropriate for cases of minor harassment (e.g., inappropriate jokes between colleagues. It may not seem inappropriate to those in the conversation where it is being said but can be inappropriate to those overhearing the conversation).
- Your manager. If customers, vendors, or team members are involved in your claim, you may reach out to your manager. Your manager will assess your situation



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- Senior Management. Feel free to reach out to Senior Management in any case of harassment no matter how minor it may seem. For your safety, Senior and may his/her manager if appropriate.
- Starting or spreading rumors about a person's personal life.
- Ridiculing someone in front of others or singling them out to perform tasks unrelated to their job (e.g. bringing coffee) against their will.

Management as soon as possible in cases of serious harassment (e.g., sexual advances) or if your manager is involved in your claim. Anything you disclose will remain confidential.

**Workplace violence**

Violence in the workplace is a serious form of harassment. It includes physical and sexual assault, destruction of property, threats to harm a person or property and verbal and psychological abuse. We want to avoid those incidents altogether, but we also want to be ready to respond if needed.

For this reason, we ask you to:

- Report to Senior Management if you suspect or know that someone is being violent. Your report will be confidential, and we will investigate the situation with discretion
- Call 911 if you witness incidents of severe physical violence (e.g., ones that involve a lethal weapon.) For your safety, avoid getting involved.

We will treat associates who verbally threaten others as high risk and they will receive an appropriate penalty. If Senior Management finds that an associate commits an act of violence, we will terminate that associate and seek to press criminal charges. Associates who damage property deliberately will be solely responsible for paying for it.

Supporting victims:

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To support victims of workplace violence, we may, provide victims with the lawyer's services to help them file lawsuits.

Get help early on :

Seek help from others early on to mitigate conflicts. For example:

- If you experience conflicts with a colleague, ask your manager for advice before tensions escalate. If these conflicts persist, ask Senior Management whether you could attend conflict resolution seminars with your colleague.
- If you are experiencing personal or work troubles, ask for help from a mental health professional. Check with your insurance provider to determine whether cover any mental health services. Your discussions will remain confidential.

The workplace is founded on mutual respect, and we won't allow anyone to compromise this foundation.

## Workplace Safety and Health

The company is committed to creating a hazard-free workplace. To this end, we will ensure workplace safety through preventative action and emergency management.

### Preventative action

Preventative actions are any actions we take to avoid injuries or illnesses related to the workplace. We will periodically conduct risk assessments and job hazard analyses through a workplace safety committee to uncover health risks to associates. And we will establish preventative measures to address risks accordingly

At a minimum, we will:

- Hold associate training sessions on safety standards and procedures

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- Make sure associates who work in dangerous locations are safe.
  - Provide protective gear like gloves, protective uniforms and goggles.
  - Direct inspectors and quality control associates to evaluate equipment and infrastructure regularly.

We also expect you to take safety seriously. Always use protective equipment and follow standards whenever necessary. If you deliberately disregard the guidelines, we may terminate you for your own and others' safety.

**Emergency management**

Emergency management refers to the plan to deal with sudden catastrophes like fire, floods, earthquakes, or explosions. The emergency management provisions include:

- Functional smoke alarms and sprinklers that are regularly inspected.
- Technicians (external or internal) available to repair leakages, damages, and blackouts quickly.
- Fire extinguishers and other fire protection equipment that are easily accessible. An evacuation plan posted on each floor and online.
- Fire escapes and safety exits that are clearly indicated.

**Smoking**

American Tripoli is a smoke-free workplace. You can smoke in designated smoking areas and outer premises, like sidewalks. Any other area in the workplace (like restrooms, lobby, offices, staircases, warehouses) is strictly smoke-free to protect non-smokers.

**Emergency management**

Emergency management refers to the plan to deal with sudden catastrophes like fire, floods, earthquakes, or explosions. The emergency management provisions include:

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We also advise you to:

- Extinguish your cigarettes and discard them appropriately.
- Avoid smoking when you have scheduled meetings.
- Avoid smoking near flammable objects and areas.

Setting off fire alarms and causing fires by smoking are serious offenses. If you are found responsible, you may face disciplinary action up to and including termination.

**Drug-free workplace**

American Tripoli is a drug-free workplace. Whether you are an associate, contractor, or visitor, you must not bring, use, give away or sell any drugs on company premises. If you are caught with illegal drugs or show that you are under the influence of substances, you will face disciplinary action up to and including termination.

A list of prohibited drugs and substances includes, but isn't limited to, in any form:

- Heroin .
- Cocaine
- Methamphetamine

**Alcohol:**

We prohibit associates from consuming alcohol during working hours, but they may consume alcoholic drinks in moderation at company events.

**Prescription drugs:**

If you feel that a prescription drug (e.g. an anxiety medication) unexpectedly affects your senses, thinking or movement, ask for the rest of your day off. If your manager suspects substance abuse, you may face disciplinary action.

You **MUST NOT** use medical marijuana in the workplace. We have the right to terminate you if your off duty use of medical marijuana makes you unable to complete your job duties correctly.

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We expect associates who hold safety-sensitive jobs (e.g., machine operators or drivers) to be fully alert and capable of always performing their duties. We may terminate you if we conclude your prescription drug use creates severe safety risks. If you need to use prescription drugs for a limited time and you think they may impair your abilities, use your PTO.

If your job includes secondary tasks that are safety-sensitive and your prescribed drugs affect your ability to perform these tasks, we can make reasonable accommodations to ensure you and your colleagues' safety. If your job includes secondary tasks that are safety-sensitive and your prescribed drugs affect your ability to perform these tasks, we can make reasonable accommodations to ensure you and your colleagues' safety.

**Dealing with addiction :**

Being sober is a prerequisite to thriving at the company and we want to help you as much as possible.

We won't tolerate substance addiction that results in violent, offensive, or inappropriate behavior.

## **Expense Approval and Reporting Policy**

**Purpose of Policy**

This policy outlined applies to all employees who spend money on work-related activities. It is used to standardize the procedure for getting pre-approval, making payments, and submitting documentation for work-related expenses.

**Scope of Policy**

**This policy applies to the following expense types:**

- Immediate expenses necessary for daily operations.
- Procurement for non-immediate needs
- Service providers and other specific expenses
- Expenses needing reimbursement

**Procedure**

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**The approval process for immediate expenses necessary for daily operations:**

- Expenses under \$50 may be purchased without pre-approval.
- Expenses over \$50 should be submitted to the Operations Manager via Teams direct message for approval BEFORE purchase.
- The Operations Manager will then submit the expense request to a Managing Member.
- The Managing Member will communicate the approval or denial of the request to the Operations Manager, who will share it with the team member who requested the expense.

**The approval process for non-immediate procurement needs:**

- Expenses of this type require a quote from THREE DIFFERENT VENDORS.
- All vendor quotes and the selected vendor should be submitted to the Operations Manager via Teams..
- The Operations Manager will communicate with the Manager Member for approval of these expenses.
- The Operations Manager will share the approval or denial of the expense with the requesting team member. The Managing Member may also be a part of this communication..

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**Documentation process for all expenses once approved:**

- The requestor should communicate the approved requests to the Front Desk Team Member who will create a PO.
- Receipts for expenses purchased via credit card, including those under \$50, should be signed and submitted to the Front Desk Team Member within 24 hours.
- Receipts or invoices with PO numbers will be scanned or saved by the Front Desk Team Member and added to Teams in the appropriate folder.

**Service providers and other specific expenses:**

- Service providers that require payment at the time of service should be approved BEFORE BOOKING to ensure payment is available at that time.
- Using service providers for non-immediate needs should follow the same process as the other non-immediate expenses. Therefore, three quotes are needed..
- Immediate need service providers charging via invoice will be documented by the Front Desk Team Member.
- Non-immediate expenses of goods that cannot be purchased from more than one location still need approval and to follow the same process, but only one quote is required.

**Expenses needing reimbursement:**



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- Expenses needing reimbursement may include expenses purchased before receiving a company-issued credit card or mileage reimbursement, among other things.
- All vendor quotes and the selected vendor should be submitted to the Operations Manager via Teams..
- Expenses of this kind require PRE-APPROVAL, following the same approval process as other expenses.
- Documentation of these expenses, which must have receipts, should be documented by the team member responsible for the charges and submitted to the Front Desk Team Member for reimbursement via check once per month.

## Associate Code of Conduct

As an associate, all company policies mentioned above apply to you. We have some additional expectations about your behavior at work, which we outline here. We can't cover every single case of conduct, but we trust you to always use your best judgement. Reach out to your manager if you face any issues or have any questions.

### Dress Code

The company's official dress code is casual. This includes shoulder covered t-shirts, shorts no shorter than mid-thigh and open toed shoes (admin staff only). However, an associate's manager may also inform how they should dress. If you frequently meet with clients or prospects, conform to a more formal dress code. If you work in the Mill/Plant or the Quarry you are required to wear appropriate clothing with safety first in mind and as directed by your manager. We expect you to be clean when coming to work and avoid wearing clothes that are unprofessional (e.g., workout clothes, holes in clothing, tank tops, revealing or dirty, smelly clothing.) Dress code is ultimately the responsibility of the department manager.

### Cyber Security and Digital Devices

This section deals with all things digital at work. We want to set some guidelines for using computers, phones, the internet connection, and social media to ensure security and protect the assets.

#### Internet usage

The corporate internet connection is primarily for business. But you can occasionally use the connection for personal purposes as long as they don't interfere with your job responsibilities. Also, we expect you to temporarily halt personal activities that slow down the internet connection (e.g., uploading photos) if you're asked to.



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You **MUST NOT** use the internet connection to:

- Stream music or videos.
- Make or receive personal video calls.
- Send confidential information to unauthorized recipients.
- Invade another person's privacy and gain access to sensitive information.
- Download or upload pirated movies, music, material, or software.
- Visit potentially dangerous websites that can compromise the network and computers' safety.
- Perform unauthorized or illegal actions, like hacking, fraud or buying/selling illegal goods.

**Cell phone**

We allow use of cell phones at work. But we also want to ensure that your devices won't distract you from your work or disrupt the workplace. We ask you to follow a few simple rules:

- Use your cell phone in a manner that benefits your work (business calls, productivity apps, calendars).
- Keep personal calls brief and use an empty meeting room or common area so as not to disturb your colleagues.

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**Shipping/Receiving Address:**

5 Oneida Street,  
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Office (239) 829-5457

- Avoid playing games on your phone or texting excessively.
- Avoid using your phone for any reason while driving a company vehicle.
- Don't use your phone to record confidential information.

Also, you must not use your phone in areas where cell phone use is explicitly prohibited (e.g. laboratories, meetings, driving company vehicles, or operating company equipment.)

**Corporate email**

Email is essential to the work. You should use your company email primarily for work, but we allow some uses of your company email for personal reasons.

- Work-related use. You can use your corporate email for work-related purposes without limitations. For example, you can sign up for newsletters and online pservices that will help you in your job or professional growth.
- Personal use. You can use your email for personal reasons if you keep it safe and avoid spamming and disclosing confidential information. For example, you can send emails to friends and family and download eBooks, guides, and other safe content for your personal use.

The general expectations

No matter how you use your corporate email, we expect you to avoid:

- Signing up for illegal, unreliable, disreputable, or suspect websites and services.
- Sending unauthorized marketing content or emails.
- Registering for a competitor's services, unless authorized.

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- Sending insulting or discriminatory messages and content.

- Intentionally spamming other people's emails, including your coworkers.

In general, use strong passwords and be vigilant in catching emails that carry malware or phishing attempts. If you are not sure that an email you received is safe, ask the IT support team.

**Social media**

We want to provide practical advice to prevent careless use of social media in the workplace.

We address two types of social media uses: using personal social media at work and representing the company through social media.

**Using personal social media at work**

You are permitted to access your personal accounts at work. But we expect you to act responsibly, according to the policies and ensure that you stay productive. Specifically, we ask you to:

- Discipline yourself. Avoid getting sidetracked by your social platforms.
- Ensure others know that your personal account or statements don't represent the company. For example, use a disclaimer such as "opinions are my own."
- Avoid sharing intellectual property (e.g. trademarks) or confidential information. Ask your manager first before you share company news that's not officially .
- Avoid any defamatory, offensive, or derogatory content. You may violate the company's anti-harassment policy if you direct such content towards colleagues, clients, or partners.

**Representing the company through social media**

If you handle the social media accounts or speak on the company's behalf, we expect you to protect the company's image and reputation. Specifically, you should:

- Be respectful, polite, and patient.
- Avoid speaking on matters outside your field of expertise when possible."

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**Shipping/Receiving Address:**

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Office (239) 829-5457

- Follow the confidentiality and data protection policies and observe laws governing copyrights, trademarks, plagiarism, and fair use.
- Coordinate with the Marketing department when you're about to share any major-impact content.
- Avoid deleting or ignoring comments for no reason.
- Correct or remove any misleading or false content as quickly as possible

**Conflict Of Interest**

When you are experiencing a conflict of interest, your personal goals are no longer aligned with your responsibilities towards us. For example, accepting a bribe may benefit you financially, but it is illegal and against the business code of ethics. If we become aware of such behavior, you will lose your job and may face legal trouble.

For this reason, conflicts of interest are a serious issue for all of us. We expect you to be vigilant to spot circumstances that create conflicts of interest, either to yourself or for your direct reports. Follow the policies and always act in the company's best interests. Whenever possible, do not let personal or financial interests get in the way of your job. If you are experiencing an ethical dilemma, talk to your manager and we will try to help you resolve it.

**Associate Relationships**

We want to ensure that relationships between associates are appropriate and harmonious. We outline the guidelines, and we ask you to always behave professionally.

**Fraternization**

Fraternization refers to dating or being friends with your colleagues. In this policy, "dating" equals consensual romantic relationships and sexual relations. Non-consensual relationships constitute sexual violence, and we prohibit them explicitly.

**Dating colleagues**

If you start dating a colleague, we expect you to maintain professionalism and keep personal discussions outside of the workplace.

You are also obliged to respect your colleagues who date each other. We won't tolerate sexual jokes,

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Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

malicious gossip, and improper comments. If you witness this kind of behavior, please report it your Manager or Senior Management.

**Dating managers**

To avoid accusations of favoritism, abuse of authority and sexual harassment, supervisors must not date their direct reports. This restriction extends to every manager above an associate.

Also, if you act as a hiring manager, you aren't allowed to hire your partner to your team. You can refer them for employment to other teams or departments where you don't have any managerial or hiring authority.

**Friendships at work**

Associates who work together may naturally form friendships either in or outside of the workplace. We encourage this relationship between peers, as it can help you communicate and collaborate. But we expect you to focus on your work and keep personal disputes outside of the workplace.

**Gifts**

Nothing valued at more than \$25 from a customer, vendor, or other third party can be accepted by an associate. Gifts are allowed but "significantly expensive ones, greater than \$25" must be reported to HR. Guidelines say no gifts can be solicited, and only gifts of minimal value can be accepted.

**Employment of relatives**

Everyone in the company should be hired, recognized, or promoted because of their skills, character, and work ethic. We would not like to see phenomena of nepotism, favoritism, or conflicts of interest, so we place some restrictions on hiring associates' relatives.

To the company, a "relative" is related by blood or marriage within the third degree to an associate. This includes parents, grandparents, in-laws, spouses or domestic partners, children, grandchildren, siblings, uncles, aunts, nieces, nephews, stepparents, stepchildren and adopted children.

As an associate, you can refer your relatives to work with the company. Here are the only restrictions:

- You must not be involved in a supervisory/reporting relationship with a relative.
- You cannot be transferred, promoted, or hired inside a reporting relationship with a relative.
- You cannot be part of a hiring committee, when your relative is interviewed for that position.

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2701 East Grauwyler Road, Bldg 1,  
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**Shipping/Receiving Address:**

5 Oneida Street,  
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Office (239) 829-5457

If you become related to a manager or direct report after you both become employed by the company, we may have to transfer one of you or transfer report responsibility.

## Workplace Visitors

If you want to invite a visitor to the offices, please ask for permission from your manager first. Your manager will need to notify the Operations Manager. Also, inform the front office/reception area of your visitor's arrival. Visitors are required to sign in and show identification. You will be asked to return your visitors to front office and have them sign out once their visit is complete.

When you have office visitors, you also have responsibilities. You will be responsible for:

- Always tend to your visitors, especially when they are underage, Never leave a visitor unattended, anywhere on company property, inside or outside the building
- Keep your visitors away from areas where there are dangerous machines, chemicals, confidential records, or sensitive equipment.
- Prevent your visitors from proselytizing your colleagues, gathering donations, or requesting participation in non-company related activities while on the premises.

Anyone who delivers orders, mail or packages for associates should remain at the admin building's reception area. If you are expecting a delivery, the front office will notify you so you may collect it.

## Solicitation and Distribution

Solicitation is any form of requesting money, support or participation for products, groups, organizations or causes which are unrelated to the company (e.g. religious proselytism, asking for petition signatures.) Distribution means disseminating literature or material for commercial or political purposes.

We don't allow solicitation and distribution by non-associates in the workplace. As an associate, you may solicit from your colleagues only when you want to:

- Ask colleagues to help organize events for another associate (e.g., adoption/birth of a child, promotion, retiring).

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- Seek support for a cause, charity or fundraising event sponsored, funded, organized, or authorized by the company.
- Invite colleagues to associate activities for an authorized non-business purpose (e.g., recreation, volunteering.)

In all cases, we ask that you do not disturb or distract colleagues from their work.

## Compensation & Development

In this section, we outline the guidelines for compensating associates according to their employment status. We also describe the performance management and associate development policies.

### Compensation Status

Department of Labor & Industrial Relation.

General for further details.

There are two types of associates under FLSA guidelines:

- Non-exempt associates, who are covered by the FLSA's minimum wage and overtime provisions.
- Exempt associates, who aren't covered by the FLSA because they meet three exemption criteria: (a) they are paid at least \$23,600 per year (\$455 per week), (b) they are paid on a salary basis, and (c) they perform exempt job duties ("executive," "professional" and "administrative.") Most associates must meet all three criteria to be exempt.

If you are unsure as to whether you should be exempt or not, please ask your manager to clarify your status.

The FLSA excludes some types of jobs (e.g. railroad workers, truck drivers) because they are covered by other federal laws. Some other workers, like outside salespeople, are excluded. Feel free to ask your manager for clarifications any time.



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**Overtime**

Occasionally, we may need you to work more than your regular working hours. The US Fair Labor Standards Act (FLSA) states unless exempt, employees must receive overtime (OT) pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay.

It is a supervisory responsibility to justify and reduce costs everywhere possible. Therefore, it is at the supervisor's discretion to offer the opportunity for an associate to work for overtime pay. The supervisor should be managing the workload across the team members to avoid burnout.

No overtime is automatically authorized. Any requested overtime is required to get written prior approval with both the requesting department manager and senior management signatures. Any department manager submitting a timesheet with OT on it will need to provide the admin office team with the signed authorized OT letter.

If you are an exempt associate, you are not entitled to overtime pay by federal law. If an exempt associate must work overtime, we will set a cap for overtime hours at 10 hours per week to prevent overworking and burnout.

If you are a non-exempt associate, you are entitled to overtime pay of one and a half times your wage. Please record your overtime hours accurately, so we can calculate your pay correctly. We also ask you to work overtime only after its authorized by your supervisor to make the record-keeping easier.

Am I an exempt employee? In summary, to be an exempt employee must (a) be paid at least \$23,600 per year, and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor).

**Payroll**

For hourly and salary associates, wages are paid biweekly by direct deposit. Please notify your manager if your banking information has changed.

**Performance Management**

We have built the performance management practices to:

- Ensure you understand your job responsibilities and have specific goals to meet.
- Provide you with actionable and timely feedback on your work.



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- Invest in development opportunities that help you grow professionally.
  
  - Recognize and reward your work in financial or non-financial ways (e.g. associate awards.)

**To meet these objectives, we have:**

- Established quarterly performance reviews. During these reviews, your manager will fill out your performance report and arrange a one-on-one meeting with you to discuss it. Through these discussions, managers aim to recognize associates who are good at their jobs, identify areas of improvement and talk about career moves. Pay increases or bonuses are not guaranteed. But we encourage managers to recommend rewards for their team members when they deserve them. There won't be any forced ranking or other comparison between associates, as the goal is to help all associates improve and develop their careers.
  
- All managers have been instructed to meet with their team members once per month to provide feedback and talk about their work and motivations. These usually are informal and unscheduled. This way, you can receive feedback in a timely manner and avoid surprises during your quarterly performance preview. If an associate feels that they need feedback they should ask their manager for additional feedback.

**How we expect managers to lead associates**

If you manage a team, you are responsible for your team members' performance. To conduct effective regular meetings and performance evaluations, we expect you to:

- **Set clear objectives.** Your team members should know what you expect of them. When you first hire someone to your team, ensure they understand their job duties. Set

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specific goals for each team member (and team-wide if applicable.) Revisit those goals during quarterly performance reviews.

- **Provide useful feedback.** During scheduled meetings with your team members, give them both guidance and praise, as appropriate. Be fair and specific to help them understand and implement your feedback.
- **Keep your team members involved.** There should be two-way communication between you and your team. Make your expectations clear, but always take your team members' motivations and aspirations into account. Discuss training and development opportunities that may interest your team members.
- **Keep detailed online notes with important incidents about each one of your team members.** These notes help you evaluate your team, but may also prove useful when rewarding, promoting, or terminating your team members.

## Associate Training and Development

We owe the success to the associate's. To show the gratitude, we want to invest in the associate's professional development. We want associates to feel confident about improving their efficiency and productivity. We also want to help the associates achieve personal growth and success.

We will match up to \$500 annually for each associate to spend on educational activities or material. Talk with your manager about this as the educational activity or material must be beneficial to your position and/or development plan. E.g., if you are a quarry associate it would not be beneficial for your position to be requesting history or art classes.

### Apart from online courses, we offer these training opportunities:

- Formal training sessions

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- Associate coaching and mentoring.
- Seats at industry conferences.
- On-the-job training
- Job shadowing
- Job rotation

Development is a collective process. Team members and managers should regularly discuss learning needs and opportunities. And it is your managers responsibility to facilitate any development activities and processes.

Required Training for certain roles:

[MSHA CFR 30 Part 48\(b\) Training and Retraining of Miners](#)

## Benefits And Perks

In this section, we describe what we offer to the associates. We provide information on the health insurance plans and benefits like work from home options and company issued equipment.

## Retirement

The company wants to help you invest in your future as you grow with the company. You can join the American Tripoli 401(k) plan once you work 90 days during a 12 month period with the company. Additionally, the company offers employer matching on your 401(k) contributions up to 5%. The company will make a matching contribution in an amount equal to a percentage of your salary deferrals, the specified matching percentage for the corresponding level of your salary deferrals as shown in the following table. However, any salary deferrals that are "catch-up contributions" will not be matched. Please speak with your manager about enrolling in the 401(k) plan or scheduling time with our plan administrator to discuss how much to contribute or how to invest.

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Salary Deferral Tier	Match
First 4	
Next 2	

**Associate Health**

American Tripoli offers medical and dental insurance. Eligible employees may participate in either plan or both plans subject to all terms and conditions of the agreement between American Tripoli and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the plan(s) may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

**Dental Plan – Mutual of Omaha****Medical Plan – Anthem**

American Tripoli currently offers the following insurance premium coverage. This is for the total premiums, not for each insurance premium. For additional questions about the insurance package, talk with your manager.

Contribution	Single Coverage
Employer Premium Contribution	83%
Employee Premium	17%

You must submit your insurance enrollment form(s) for before your 90th day of employment with American Tripoli to join the insurance plans. Once you have reached your 90th day, your insurance should become effective on that date, unless notified otherwise. Failure to submit the appropriate

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forms before your 90th day will require you to wait until the open enrollment period to enroll on the insurance plans.

If you need health insurance before your 90th day or need it before the open enrollment period, please contact Natalie Miller, [Natalie.Miller@HealthMarkets.com](mailto:Natalie.Miller@HealthMarkets.com), (816) 868-6350. She will be able to discuss individual plan options available to you.

American Tripoli will annually review employee/employer contributions against the Kaiser Family Foundation Employer Health Benefits Report<sup>1</sup> for the physical year to provide employees the best benefits.

## **Workers' Compensation**

We strive to keep the workplace safe, but accidents may happen occasionally. Associates who are injured at work can receive wage replacement, medical care, and rehabilitation benefits according to workers' compensation laws, when appropriate. Please inform your manager of your injury as soon as possible. Ask your manager for forms that you need to file a claim or contact your state agency for workers' compensation.

The company has a workers' compensation policy according to guidelines of the state of Missouri.

## **Work From Home**

If your position doesn't require you to be present at the premises, you can occasionally work from home (WFH). We normally allow one day per week, with manager approval. If you need to telecommute for more days per week, talk to your manager.

Please inform your manager that you want to work from home at least one week in advance. You can also set a recurring WFH day per week. If there's a rare emergency, you may work from home without having received prior approval but call or email your manager as soon as possible.

When you are working from home, please use an internet connection and devices that are fast and secure. Choose a place without loud noises or distractions. And check in with your manager frequently to make collaboration easier.

If there is inclement weather (e.g., a blizzard) please check your Teams account to see if the office is officially closed. If you judge that your commute during inclement weather is dangerous, let your manager know. We will not force you to come to work if your safety is at stake or if there is an official travel warning.

## **Remote working**

Remote working refers to working from a non-office location on a temporary or permanent basis.

If you're an office-based associate, you may work remotely for a maximum of two consecutive weeks per year. You may arrange this if you are a new parent or suffer from a short-term disability. If you have another reason, talk to your manager. Submit your remote working requests through your

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manager at least one week in advance.

If you're an office-based associate, you may work remotely for a maximum of two consecutive weeks per year. You may arrange this if you are a new parent or suffer from a short-term disability. If you have another reason, talk to your manager. Submit your remote working requests through your manager at least one week in advance.

If you work remotely permanently, we ask that you adhere to the security, confidentiality, and equal opportunity policies just like your office-based colleagues.

## **Associate Expenses**

There are some expenses that we will pay directly on your behalf (e.g., hotel rooms for work-related travel.) But we ask you to keep track and report on those reimbursable expenses that you pay yourself. We reimburse associate expenses that are related to:

- Business travel
- Relocation
- Education and training
- Upon approval, outings with business partners or colleagues
- We use the General Services Administration (GSA) per diem rates, excluding incidentals.

To review rates: <https://www.gsa.gov/travel/plan-book/per-diem-rates>

Not all travel expenses are reimbursable. For example, we will pay for your transportation to an airport for work-related travel, but not to a museum for a personal visit. Before traveling for business, ask your manager to clarify which expenses are reimbursable within your trip.

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Please keep an online copy of receipts for all reimbursable expenses. You can submit them to your manager within 5 business days after the date of each expense. If your manager approves your expenses, you will receive your reimbursement within two pay periods by check.

Remote working refers to working from a non-office location on a temporary or permanent basis.

If you're an office-based associate, you may work remotely for a maximum of two consecutive weeks per year. You may arrange this if you are a new parent or suffer from a short-term disability. If you have another reason, talk to your manager. Submit your remote working requests through your manager at least one week in advance.

If you work remotely permanently, we ask that you adhere to the security, confidentiality, and equal opportunity policies just like your office-based colleagues.

**Company Car**

**You may drive a company car if you:**

- Need it as an indispensable part of your job (e.g., truck drivers and delivery drivers).
- Receive it as a benefit attached to your position.

Either way, your car belongs to the company. You may use your company vehicle for personal reasons as the policy permits. You will get reimbursed only for approved, business-related expenses.

To get a company car, you should have a valid driver's license and a clean driving record for at least two years. Drive safe and sober and respect traffic laws and fellow motorists. You should also check your car regularly to ensure gas, tire pressure and all car fluids are at appropriate levels.

**We expect you to avoid:**

- Smoking in a company vehicle.
- Leasing, selling or lending a company car.



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- Using a company car to teach someone how to drive.
  - Leaving your company car unlocked, unattended or parked in dangerous areas.
  - Allowing unauthorized people to drive a company car unless an emergency mandates it.

On the part, we will ensure that the cars are safe and in good condition, as well as appropriately insured.

**Accidents**

If you are involved in an accident with a company car, contact your manager immediately, so we can get in touch with the insurance provider. You shouldn't accept responsibility or guarantee payment to another person.

Follow this policy's guidelines to avoid disciplinary action. For minor offenses, like allowing unauthorized people to drive a company car, we will reprimand you or reclaim your car. But for more serious offenses, like causing an accident while intoxicated, we may terminate you.

**Parking**

We will prioritize parking spaces on a first-come, first-served basis. If you want to receive a reserved parking spot, file your request with your manager to start the approval process.

We expect you to keep the parking lot clean and not park in assigned spaces. Please behave responsibly to avoid causing damage, injury, or loss of property.

We will not assume any liability for theft, vandalism, fire, or damage regarding an associate's vehicle in the parking lot.

**Company-Issued Equipment**

As an associate, you may receive a company cell phone, a laptop, or other device. Unless otherwise mentioned in your contract, any equipment we offer belongs to the company and you may not sell it or give it away. You are also responsible for keeping the equipment safe and in as good condition as possible. If your equipment breaks or malfunctions, let your manager know so they can arrange to get it repaired.

If you are part of the corporate cell phone plan, please use your phone within the plan's restraints. You may have to pay any extra charges yourself.



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**Theft and damage of company equipment**

The equipment is insured for theft and damage. We ask you to inform us within 24 hours if your equipment is stolen or damaged. We might be able to trace stolen laptops and cell phones. Please also file a theft statement (affidavit) with the police and submit a copy to us.

**Security of company issued devices**

We advise you to keep your company-issued computer, tablet, and cell phone secure. **You can do this if you:**

- Keep all devices password protected.
- Ensure you do not leave your devices unattended.
- Install security updates for browsers and other systems as soon as updates are available.
- Log into company accounts and systems through secure and private networks only.
- Follow all instructions for disk encryption, anti-malware protection and password management that you received along with your equipment.

**Position-Related Clothing Allowance**

If an associate is a quarry or mill associate, they are required to wear steel toe boots while working. We want to ensure they have the appropriate high quality protective footwear for their position. Per OSHA rule 1917.96 - Payment for protective equipment, An employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

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With this regulation noted, the company will reimburse the associate for one pair of boots up to \$200.00 annually. The only brand of reimbursed steel-toe boots is Red Wings, no exceptions unless prescribed by a doctor and get this prescription gets preapproved by their manager.

Once the associate signs the steel-toe boot reimbursement agreement they will be required to not wear these boots home or leave the worksite with them. If the associate decides to wear the boots home, they are forfeiting the reimbursement agreement and will not be allowed to participate in the reimbursement program at any future date. This is an annual agreement. The agreement states the associate is responsible for the care and security of his/her work boots. Lockable storage lockers are provided in the Mill and the Maintenance shop; the associate will need to provide the lock.

After your 90-day probationary period, you will receive a digital voucher to present at the Red Wing store. If the associate resigns or is terminated prior to the annual agreement completion date the reimbursement will be prorated over the 12 month period and the remaining balance will be withheld from the associates last paycheck. If you need to purchase boots before your 90th day and wish to be reimbursed, submit your Red Wing boot purchase receipt to the Safety Manager. After your 90th day, the Safety Manager will submit your receipt to the finance department for reimbursement on your following paycheck for up to the reimbursable limit.

## Time

### Working Hours

The company operates between 8:00 a.m to 4:30 p.m on Monday through Friday. We try our best to not work evenings or weekends.

Some departments may work after hours(e.g., customer support, shipping, marketing). If you work in these departments, you will follow a shift schedule as needed.

#### Time Clock for Hourly Employees

Hourly employee are required to clock in and clock out for their shifts and lunch break. Here are the instructions listed in the picture below.




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## Clock in

1. In Shifts, tap  **Time clock**, and then select the shift you want to clock in for.
2. Press and hold down  under  **Shift**, and you'll be clocked in.


**Note:** GPS locations are approximate. Occasionally you may be inaccurately marked as off location. Notify your manager if this happens.

## Take a break

- Press and hold down  under  **Break**, and you'll be clocked out to start your break.


From there, you can end your break by pressing and holding down  under  **Break**.

## Clock out

- Press and hold down  under  **Shift** when you're ready to clock out.

## Time sheet

You can view previous time clock activity or correct your information using the time sheet.

- In Shifts, select **Time clock**, tap  at the upper right corner to open your time sheet.

From here, you can view your time sheet, add missing clock-in and clock-out information using the + button at the top right corner, and edit or confirm existing time clock activity from up to a month earlier.

**Note:** Any changes you make using Time Sheet will be recorded on your manager's exported time clock report.

## Paid Time Off (PTO)

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PTO means just that, paid/personal time off. PTO accrual begins on your 90th day of employment, after the probationary period. Your PTO will increase on your work anniversary based on the corresponding years described below.

Years of Service	0-3 *	4-10	11-20
Hours Accumulated Per Pay Period	3.08	4.62	6.15
Maximum Hours Allowed	80	120	160
Maximum Days Allowed	10	15	20

\*PTO accrual begins on 90th day of employment, after probationary period.

We highly encourage every associate to use earned PTO as they see fit throughout the year. PTO is accrued per pay period. Associates and their manager are responsible to ensure they successfully utilize the associates' PTO throughout the year and not all at once or all at the end of the year. Associates cannot transfer any remaining PTO to the next year. There is no cash out of unused PTO. It is a use-or-lose policy.

If an associate leaves the company, any unused accrued PTO will be pro-rated and the company may compensate accrued PTO to associates who were not terminated for cause. Missouri state law does not require payment of earned PTO time at the time of termination. It is at the company's discretion to provide vacation pay, holiday pay, or severance pay benefits.

We advise every associate to properly utilize their earned PTO. Everyone will abide by the Handbook PTO allotment.

To request time off, please submit a request to your manager via the Shifts app in your Microsoft Teams mobile or desktop app. [Click here for the instructions](#)

**Working Remotely vs PTO**

Some positions have the capability to work remotely. Remote work is approved at the senior managers' discretion.

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A couple of questions the senior manager will need to be answered first would be:

When and how many business days are you planning on being away from the office?

What is the Operations/Mill/Quarry department schedule for that timeframe?

Are all issues and processes foreseeably covered?

Are you going to be "remote working" or taking PTO?

## Holidays

**The company observes the following holidays:**

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day before or Day after Thanksgiving depending on where the long weekend falls
- Christmas Eve
- Christmas Day

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Seneca, MO 64865  
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If you want to observe a religious holiday that isn't included in the list, we may allow you to take unpaid time off for that day. Or you may use your PTO. Coordinate the approval through your manager.

**Holiday pay**

- Exempt associates are entitled to their normal compensation without any deductions.
- Permanent, non-exempt associates may receive their regular hour rate for their normal workday hours as a benefit after they have worked with us for more than 90 days.

**Working on a holiday**

These holidays are considered "off-days" for most associates. [Managers] If you need a team member to work on a holiday, inform them at least three days in advance.

Holiday pay rate is 1.5 times regular hour rate for hourly associates. We will not count hours you worked on a holiday to decide whether you are entitled to overtime pay.

**Bereavement Leave**

Losing a loved one is traumatizing. If this happens to you while you work with us, we want to support you and give you time to cope and mourn.

**For this reason, we offer three days of paid bereavement leave. You may take your bereavement leave on consecutive days to:**

- Arrange a funeral or memorial service.
- Attend a funeral or memorial service.
- Resolve matters of inheritance.



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- Fulfill other family obligations.
  
  
  
  
  - Mourn

If you must travel long-distance for a funeral or service, you can take two additional unpaid days off. If you require more time, please use your PTO.

**Jury Duty and Voting**

As an exempt associate, if you are called for Jury Duty, you can take one day off without deduction from your salary. Anything beyond one day should be through PTO or unpaid leave.

As an hourly associate, at the discretion of your manager, if you are called for Jury Duty, if Jury duty is less than 4 hours and you were able to put in 4 hours of work that day, you will be paid for the full 8-hour day. If you are not able to put in 4 hours of work that day, due to Jury duty and all full days missed should be considered unpaid leave or at managers discretion, use of PTO.

To keep good records, all associates need to provide the company a copy of your summons for jury duty and a document that proves you served.

One election day, Managers will try to schedule the workload for the day to end one hour early so everyone has the opportunity to vote. If you need to travel a distance greater than one hour to vote, request to use your PTO.

Missouri Juror Info: [https:// www.courts.mo.gov/ page.jsp?id=103118](https://www.courts.mo.gov/page.jsp?id=103118)

**Parental Leave****Paternity and maternity leave**

The company does not offer paid maternity and paternity leave. We ask you to be proactive in your use of PTO. If timing of end of year PTO carry over becomes an issue, please discuss with your manager.

If you are about to be a new mother or father (either through childbirth or adoption), talk with your manager to arrange your leave. Please give at least three months' notice before your leave begins.

If you suffer complications during childbirth or have other issues, you can ask for an unpaid leave extension of up to two months. Contact your manager as soon as possible to arrange this.

**Leaving The Company**

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In this section, we describe the procedures regarding resignation and termination of the associates. We also refer to the progressive discipline process that may sometimes result in termination.

We remind you that in the U.S. employment is “at-will.” This means that you or the company may terminate the employment relationship at any time and for any non-discriminatory reason.

## Progressive Discipline

The progressive discipline process has three steps of increasing severity. **These steps are:**

Here we outline steps we will take to address associate misconduct. We want to give associates a chance to correct their behavior when possible and assist them in doing so. We also want to ensure that we thoroughly investigate and handle serious offenses.

- i. Verbal warning
- ii. Formal meeting with supervisor and written reprimand
- iii. Termination

If you manage associates, inform them when you launch a progressive discipline process. Be direct that you are giving them a verbal warning reprimand. Pointing out a performance issue is not necessarily a verbal warning and may be part of your regular feedback. If you judge that progressive discipline is appropriate, let your team member know and ask your manager to help you explain the full procedure.

Managers may skip or repeat steps at their discretion. The company may treat circumstances differently from that described in this policy. But we are always obliged to act fairly and lawfully and document every stage of the progressive discipline process.

Keep in mind that the company isn’t obliged to follow the steps of the progressive discipline process. As you are employed “at-will” in the U.S, we may terminate you directly without launching a progressive discipline process. For serious offenses (e.g., sexual harassment), we may terminate you without warning.

## Resignation

You resign when you voluntarily inform your manager that you will stop working for the company. We also consider you resigned if you don’t come to work for two consecutive days without notice.



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5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

You are not obliged to give us advance notice before resigning. But, for efficiency's sake, and to make sure the workplace runs smoothly, we ask that you give at least two weeks' notice, if possible. If you hold a highly specialized or managerial position, we ask that you give us at least a month's notice, when possible.

We accept verbal resignations, but we prefer that you submit a written and signed notice of resignation for the HR records. We will reply with an acceptance of resignation letter within two days. Whether you want to announce your resignation to your team is up to you, but we encourage you to be open. Doing so helps squelch the rumor mill.

**Tuition or relocation reimbursement**

If you have relocated or studied at the company's expense, you are bound by your contract to remain with us for at least two years or year for year of expense. If you resign before that period, you may have to reimburse us for all these expenses.

**Forced resignation**

You can resign anytime at your own free will and nobody should force you into resignation. Forcing someone into resigning (directly or indirectly) is constructive dismissal and we won't tolerate it. Specifically, we prohibit associates from:

- Creating a hostile or unpleasant environment.
- Demanding or coaxing an associate to resign.
- Victimizing, harassing, or retaliating against an associate.
- Forcing an associate to resign by taking unofficial adverse actions (e.g. demotions, increased workload).

**Termination**

Terminating an associate is always unpleasant but sometimes necessary. If that happens, we want to ensure we act lawfully and respectfully.

**We may terminate an associate either for cause or without cause**

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- For cause termination is justified when an associate breach their contract, engages in illegal activities (e.g., embezzlement), disrupts the workplace (e.g. harasses colleagues), performs below acceptable standards or causes damage or financial loss to the company.
- Without cause termination refers to redundancies or layoffs that may be necessary if we cease some of the operations or re-assign job duties within teams. We will follow applicable laws regarding notice and payouts.

We will offer severance pay to eligible associates. We may also help associates who were terminated without cause to find work elsewhere, if possible.

We may also compensate accrued vacation and sick leave upon termination, depending on local law. Whenever local law doesn't have relevant stipulations, we will pay accrued leave only to those who weren't terminated for cause.

If you manage team members, avoid wrongful dismissal. When you terminate an associate for cause, we expect you to be certain you made the right choice and keep accurate performance and/or disciplinary records to support your decision.

## References

When we terminate associates, we may provide references for those who leave in good standing. This means that associates shouldn't have been terminated for cause. If you are laid off, you may receive references. Please ask your manager.

If you resign, you may ask for references and your manager have a right to oblige or refuse.

## Resources

Managing your 401(k): <https://www.finra.org/investors/learn-to-invest/types-investments/retirement/401k-investing/managing-your-401k>

Dept. of Labor – Mine Safety & Health Administration: <https://www.msha.gov/>

Missouri Labor Laws: <https://labor.mo.gov/>

**Mailing Address:**

2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

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IRS W4 info: <https://www.irs.gov/forms-pubs/about-form-w-4>

US Healthcare.gov: <https://www.healthcare.gov/>

1Kaiser Family Foundation 2021 Employer Health Benefits Survey, <https://www.kff.org/health-costs/report/2021-employer-health-benefits-survey/>

## Policy Revision

We will always strive for fairness and equal opportunity and penalize offensive and illegal behaviors. But, as laws and the environment change, we may revise and modify some of the policies.

We have established an annual revision of the handbook to bring it up to date with legislation and employment trends. We also ask you to notify your manager if you recognize any inconsistencies or mistakes. And, if you have any ideas about how to improve the workplace, we are happy to hear them. Please relay these ideas through your manager.

Legal ID Report			
<a href="#">E Document Submission</a>			
Notice Type: Update		Effective Date: 03/31/2023	
Mine Information 1-8			
1. Federal Mine Identification Number:	2300504		
2. Mine Name:	MOSenecaMfr LLC dba American Tr		
3. Directions To Mine:	Hwy 43, West on Oneida 2 blocks		
4. Mine Location Address	Street Address 222 Oneida Street  City Seneca State MO Zip Code 64865 -  County Newton		
5. Official Business Name of Operator:	American Tripoli		
6. Principal Office Address for this Operator	Street Address 222 Oneida Street  City Seneca State MO Zip Code 64865 -  Country USA Foreign State Foreign Zip Code		
7. Telephone number for this mine:	Area Code Telephone Number Extension 239 829 - 5457		
8. Commodity	Type of Product Type of Operation Metal - Misc. Nonmetallic Mnls. Surface NEC		
Health & Safety 9			
9. Person at Mine in Charge of Health and Safety:			
Last Name Spears  First Name John MI			

Exhibit No 7 Pg No 1

Title  
Operations Manager

Street Address  
222 Oneida Street

OR P.O. Box

City State Zip Code  
Seneca MO 64865 -

Country Foreign State Foreign Zip Code  
USA

E-mail Address  
john.spears@americantripoli.com

All Health & Safety 10

10. Person with Overall responsibility for a Health and Safety Program at ALL of the Operator's Mines, if the Operator is Not Directly Involved in the Daily Operation of the Mine:

Last Name  
Molesi

First Name MI  
Jessie

Title  
Safety Specialist

Street Address  
222 Oneida Street

OR P.O. Box

City State Zip Code  
Seneca MO 64865 -

Country Foreign State Foreign Zip Code  
USA

E-mail Address  
jessie.molesi@americantripoli.com

Address of Record 11

11. Address of Records and Telephone Number:

Last Name  
Tidaback

First Name MI  
Russell

Exhibit No 2 Pg No 2

Title  
Managing Partner

Street Address  
2701 East Grauwyler Road, Bldg 1, Dept# 1008

City State Zip Code  
Irving TX 75061 - 3414

Country Foreign State Foreign Zip Code  
USA

P.O. Box Address

City State Zip Code  
-

Country Foreign State Foreign Zip Code  
-

Area Code Telephone Number Extension E-mail Address  
239 829 - 5457 Russell.Tidaback@AmericanTripoli.com

#### Ownership Information

12. This Official Business is a: Other  
13. If Business is listed as Other, what is the type of Organization? Type of Organization: Joint Venture, County Government, Limited Liability Company, etc. LLC

14. Employer Identification Number or Tax Identification Number for this Business:

SSN for Individuals: EIN for Entities:  
\*\*\* \_ \*\* \_ \*\*\*\* \*\* \_ \*\*\*\*\*

15. The Individual(s) with ownership interest in this Business or Corporate Officers/Directors are:

	Name	Address
1	MoSenecaManufacturer Limited Liability Corporation	2701 East Grauwyler Road, Bldg 1, Dept# 1008 Irving TX 750613414 USA

16. If Business is listed as Other, what are the names of Principal Organization Officials or Members?

	Name	Address
1	Russell Tidaback Managing Member	2701 East Grauwyler Road, Bldg 1, Dept# 1008 Irving TX 750613414 USA
2	Jordan Tidaback Member	2701 East Grauwyler Road, Bldg 1, Dept# 1008 Irving TX 750613414 USA
3	MoSenecaManufacturer Limited Liability Corporation	2701 East Grauwyler Road, Bldg 1, Dept# 1008 Irving TX 750613414 USA

Continuation Information 17



17. If Business is a Corporation, please answer the following:			
a. State of Incorporation:		b. Is this Corporation a subsidiary?	
		N	
c. If yes, what is the name and address of your Parent Corporation?			
Name (or entity name if owner is a business)			
Street Address		OR P.O. Box	
City	State	Zip Code	
Country Foreign State		Foreign Zip Code	
d. Employer Identification Number for this Business (EIN):		**-*****	
Contact Information			
Name and Title of Official Completing Form			
Last Name		Tidaback	
First Name		Jordan	
Middle Initial			
Date Form Completed 3/31/2023			

Exhibit No 2 Pg No 4

**Mine Information Form****Mine Location Type 1-14**

Change/New		Change	
1. MSHA Mine ID Number:		2. Operating Company Name:	
2300504		American Tripoli	
3. Mine or Mill Name:			
MOSenecaMfr LLC dba American Tr			
3a. Mine Emergency Phone Number:	4. Type Of Operation	5. Portable Operation	6. Primary Mine Type
(239)- 829- 5457	Metal/Non Metal	N	Surface
7. MSHA Office Code	8a. Work Group	8b. Travel Area	9. Nearest Town, Landmark, or Post Office
C1004 - Rolla MO Field Office		M15	Seneca
10. County Name Where Mine is Located	11. State Abbreviation	12. Cong. Dist. (Coal Only)	13. Mileage from Field Office
Newton	MO	07	230

**14. Directions to Operation from Field Inspection Office**

Hwy 43, West on Oneida 2 blocks.

**Mine Description 15-20**

15. Total Employees:	16. Schedule Of Operation:		
10	a. Hours Per Production Shift	8	b. Production Shifts Per Day
	c. Maint. Shifts Per Day	0	d. Work Days Per Week
			1
			5

**17. Longitude and Latitude**

a. Longitude:	Degrees	94	Minutes	37	Seconds	4
b. Latitude:	Degrees	36	Minutes	50	Seconds	8

**18. Mine Status : Active****19. Status Date (mm/dd/yyyy) 10/01/1973****20. Types Of Mineral being Extracted or Processed:**

a. Primary Commodity	Tripoli
b. Secondary Commodity	

**Exhibit No 2 Pg No 5**



c. Other Commodities

## Mine Characteristics

21. Mine Characteristics:

Open Pit/Strip

## Other Mine Information

22. Other Mine Information: a. Applicable to all Mines

103(I) Status: Never

Date Entered 103(I) Status

Methane Liberation cubic ft./24 hrs.

b. Applicable to Coal Mines Only

No. Of Producing Pits

No. Of Non Producing Pits

No Of Drift Openings

No. Of Slope Openings

No. Of Shaft Openings

Avg. Daily Coal Prod. Tons

Primary Coal Bed Name

Avg. Mine Height

c. Applicable to Metal and Nonmetal Mines Only

Mine Gas Category

No. Of Impoundments 0

No. Of Escapeways to Surface

No. Of Hoists

No. Of Refuge Chambers

## Mailing Address

23. Quarterly Report Mailing Address

First Name John Middle Initial Last Name Spears

Street Address

OR P.O. Box

2701 East Grauwlyer Road , Bldg 1, Dept# 1008

City State Zip Code Zip Ext

Irving TX 75061 3414

Country Foreign State Foreign Zip Code

USA

Phone Number

Fax Number

( 239 )- 829 5457

()-

24. Mailing Address for Respirable Dust Materials (Coal Only)

First Name Middle Initial Last Name

Title

Street Address

OR P.O. Box

City State Zip Code Zip Ext

Phone Number

Fax Number

()-

()-

Miner's Rep and Union Info

Exhibit No 2 Pg No 6

25. Miner's Representative Information (for transmittal of documents)			
	Name	Address	
1	Randy A Drake	6620 Old 60 Drive Neosho MO 64850 USA Phone 4177668546	
2	Max Orake	13826 Hwy CC Neosho MO 64850 USA Phone 4177763038	
26. Union Information			
	Union Name	Union Dist	Union Local Nbr Address
27. Submitted By			
AR Number 5417		Date 02/01/2023	AR Name Shawn T. Pratt

Exhibit No 2 Pg No 7

**Citations, Orders and Safeguards**

<b>Year</b>	<b>Mine ID</b>	<b>Operator</b>	<b>103(k)</b>	<b>104(a)</b>	<b>104(b)</b>	<b>104(d)(1)</b>	<b>104(d)(2)</b>	<b>104(g)(1)</b>	<b>107(a)</b>	<b>103(j)</b>	<b>314(b)</b>	<b>Proposed Penalties (\$)</b>	<b>Current Penalties (\$)</b>	<b>Amount Paid to Date (\$)</b>
2023	2300504	American Tripoli	0	95	5	0	21	2	1	0	0	87,816	87,336	320
2022	2300504	American Tripoli	0	20	3	5	0	0	0	0	0	21,571	17,380	1,912
2021	2300504	American Tripoli	0	7	0	0	0	0	0	0	0	1,082	1,082	1,082
2020	2300504	American Tripoli	0	2	0	0	0	0	0	0	0	246	246	246
2019	2300504	American Tripoli	0	3	0	0	0	0	0	0	0	363	363	363
2018	2300504	American Tripoli	0	8	0	0	0	0	0	0	0	962	962	962
2017	2300504	American Tripoli	0	4	0	0	0	0	0	0	0	464	464	464
2016	2300504	American Tripoli	0	2	0	0	0	0	0	0	0	228	228	228
2015	2300504	American Tripoli	0	5	0	0	0	0	0	0	0	685	685	685
2014	2300504	American Tripoli	0	2	0	0	0	0	0	0	0	200	200	200
2013	2300504	American Tripoli	0	3	0	0	0	0	0	0	0	327	327	327
2012	2300504	American Tripoli	0	4	0	0	0	0	0	0	0	400	400	400
2011	2300504	American Tripoli	0	3	0	0	0	0	0	0	0	300	300	300
2010	2300504	American Tripoli	0	4	0	0	0	0	0	0	0	1,411	1,411	1,411
2009	2300504	American Tripoli	0	13	0	0	0	0	0	0	0	1,300	1,300	1,300
2008	2300504	American Tripoli	0	8	0	0	0	0	0	0	0	800	800	800
2007	2300504	American Tripoli	0	6	0	0	0	0	0	0	0	480	480	480

**Inspections**

<b>Event No.</b>	<b>Mine ID</b>	<b>Inspection Activity Code</b>	<b>Inspection Begin Date</b>	<b>Inspection End Date</b>	<b>Citations</b>	<b>Orders</b>	<b>Safeguards</b>
7101816	2300504	Compliance Follow-up Inspection	12/15/23	12/18/23	0	0	0
7101629	2300504	Compliance Follow-up Inspection	12/04/23	12/08/23	0	0	0
6486571	2300504	Spot Inspection	11/07/23	11/07/23	0	0	0
6486570	2300504	Spot Inspection	11/02/23	11/02/23	0	0	0
6486569	2300504	Spot Inspection	10/30/23	10/30/23	0	0	0
7101513	2300504	Verbal Hazard Complaint Inspections	10/10/23	10/19/23	0	2	0
7101514	2300504	Spot Inspection	10/10/23	10/19/23	0	2	0
7101423	2300504	Verbal Hazard Complaint Inspections	09/18/23	09/21/23	1	0	0
7042327	2300504	Verbal Hazard Complaint Inspections	08/08/23	09/22/23	0	0	0
7101503	2300504	Regular Safety and Health Inspection	08/07/23	09/25/23	32	5	0
7027998	2300504	Compliance Follow-up Inspection	07/20/23	07/24/23	0	0	0
7027994	2300504	Compliance Follow-up Inspection	07/05/23	07/10/23	1	0	0
7101602	2300504	Compliance Follow-up Inspection	06/21/23	06/22/23	0	0	0
7101601	2300504	Verbal Hazard Complaint Inspections	06/20/23	06/22/23	0	0	0
7027980	2300504	Compliance Follow-up Inspection	05/12/23	05/12/23	0	0	0
7042304	2300504	Verbal Hazard Complaint Inspections	05/11/23	05/15/23	0	0	0
7027977	2300504	Compliance Follow-up Inspection	04/11/23	04/28/23	0	2	0
7027975	2300504	103 (g) Written Notification Hazard Complaint Inspectio	03/28/23	04/10/23	0	0	0
7029430	2300504	Verbal Hazard Complaint Inspections	02/13/23	04/10/23	58	16	0
7028973	2300504	Verbal Hazard Complaint Inspections	01/04/23	01/06/23	0	1	0
7028971	2300504	Compliance Follow-up Inspection	01/03/23	01/06/23	2	0	0
7027590	2300504	Regular Safety and Health Inspection	10/31/22	12/09/22	17	7	0
7027583	2300504	Verbal Hazard Complaint Inspections	09/19/22	09/30/22	0	0	0
7027571	2300504	Spot Inspection	07/14/22	07/18/22	0	0	0
7027560	2300504	Regular Safety and Health Inspection	04/12/22	04/20/22	4	0	0
7027546	2300504	Compliance Follow-up Inspection	01/10/22	01/13/22	0	0	0
7027536	2300504	Accident Reduction Program	11/17/21	11/19/21	0	0	0
7027535	2300504	Regular Safety and Health Inspection	11/09/21	12/14/21	5	0	0
6488833	2300504	Regular Safety and Health Inspection	04/27/21	04/28/21	2	0	0
6486660	2300504	Regular Safety and Health Inspection	10/05/20	10/07/20	1	0	0
6486630	2300504	Regular Safety and Health Inspection	05/18/20	05/20/20	1	0	0
6809156	2300504	Regular Safety and Health Inspection	10/22/19	10/23/19	1	0	0
6807446	2300504	Regular Safety and Health Inspection	07/02/19	07/02/19	2	0	0
6807417	2300504	Compliance Follow-up Inspection	01/03/19	01/03/19	0	0	0

DAILY COVER SHEET

DATE 4/12/2023

EVENT NO. 7027977

ARRIVED AT THE MINE 8:11

DEPARTED FROM THE MINE 10:33

LIST RECORD BOOKS CHECKED \_\_\_\_\_

ACCOMPANIED BY: COMPANY REP. Rob Bauman

MINERS REP. Jessie Malesi -  
EH&S Specialist

AREAS OF INSPECTION ACTIVITY:

RPP

Respirators

Sampling Equipment

PAGE NO 1 INSP INITIAL TUM SUPERVISOR D&I 27P 4/20/23

MSHA Form 7000-101, June 93 (revised)

☆ U.S. GOVERNMENT PRINTING OFFICE 1999 - 609-299

Event No. 7027977\_020

Exhibit P-25, Page001

## DAILY COVER SHEET

DATE 04/17/2023EVENT NO. 7027977ARRIVED AT THE MINE 09:20 DEPARTED FROM THE MINE 1056

LIST RECORD BOOKS CHECKED \_\_\_\_\_

ACCOMPANIED BY: COMPANY REP. John SpearsJessie MolesMINERS REP. Rob Baumann

## AREAS OF INSPECTION ACTIVITY:

Took closed tags off of main breakers  
and tagged multiple single pieces of  
equipment as requested by the mine  
operator.

PAGE NO. 1 INSP INITIAL Ham SUPERVISOR DET 07/4/20/23

MSHA Form 7000-1011, June 03 (revised)

☆ U.S. GOVERNMENT PRINTING OFFICE 1988 - 600-386



EVENT No. 702797

4/17/2023

GENERAL FIELD NOTES

Area(s)/Equipment	23-00504	Comments
Locked out	Palletizer & Packer	
	Dryer	
	Hammer Mill	
	Misc. Screws & conveyors	
	@ main panel.	
Dust Sampling	- Have arrangements with a lab and have contacted Sensyadine for Gillibrator calibration.	
Closeout w/ Jessi & John & Rob	<p>Asked if they had any additional questions or concerns. John asked about respirator filter protection vs. their method.</p> <p>No other questions or concerns.</p>	

Page 3 of 3

duy  
87p 4/29/23

MSHA Form 4000-40H, Aug. 93 (revised)

☆U.S. GPO: 1996-709-540

Appellate Case: 25-1349 Page: 1977 Date Filed: 04/07/2025 Entry ID: 5503844

Event No. 7027977\_026



Closeout Conference	Date 4/12/2023	Event No. 7027977
Attendees Paul Dunk - MSHA, Keith Markeson - MSHA, Jessie Molesi - EHS Specialist, Rob Baumann - Miners Representative		

## Operator/Miners Representative/Inspector Comments

Delivered Orders 9539789 and 9539790 and extension 9539788-01 to the mine operator and miner's representative. Reviewed all orders and extension with the operator. Explained that "Closed" tags can only be removed by an Authorized Representative and that when the mine operator has evaluated all affected miners to be able to wear a respirator, obtained approved respirators for all miners, and fit tested all affected miners the 104(B) order would be modified to allow the operator to run and to affect repairs to the dust controls in the Mill Building. Explained that the extension was for the operator to get their calibrator calibrated and to make arrangements for sampling supplies and lab analysis. Once this was completed an additional extension would be issued to allow the operator time to conduct their own sampling. Reviewed Section 111 of the Mine ACT and the entitlement of miners to pay for the remainder of this shift and up to four hours of the next shift should the closure from the 104(B) order extend that long. Also reviewed the process for paying miners for an additional week should the order extend further.

Notified of possible special assessment?	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Notified of possible knowing/willful violation?	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Notified operator they can request safety & health conference?	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Best practices reviewed?	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>



DAILY COVER SHEET

DATE 2/22/2023 07:54 . EVENT NO. 7029430  
ARRIVED AT THE MINE 08 DEPARTED FROM THE MINE 15:15  
LIST RECORD BOOKS CHECKED \_\_\_\_\_

ACCOMPANIED BY: COMPANY REP. Rob Bauman - Procl.  
Supervisor, John Spears - Operations Manager  
MINERS REP. \_\_\_\_\_

AREAS OF INSPECTION ACTIVITY:

Inside of Mill Building.

PAGE NO 1 INSP INITIAL nm SUPERVISOR D&I

MSHA Form 7000-1011, June 83 (revised)



EVENT No. 7029430

02/23/2023

GENERAL FIELD NOTES

Area(s)/Equipment 23-00504

Comments

14:00 Arrived at Mine Site

Met With: Rob Bowman - Production Supervisor  
John Spears - Operations Manager

Delivered terminations, citations, and orders to John Spears. Sat in the conference room with him while he reviewed all of them.

Fire Ext inspection found three that were not in fire ready condition.

Notified John of Special Assessments Review and PIW.

14:30 Left Mine Site

Page 1 of 1

Reviewed *km*

APR 16 2023

Shawn T. Pratt

45A Form 4000-49H, Aug 93 (revised)

GPO U.S. GOVERNMENT PRINTING OFFICE: 2014-540-421

DAILY COVER SHEET

DATE 3/21/2023

EVENT NO. 7029430

ARRIVED AT THE MINE 07:25 DEPARTED FROM THE MINE 16:15

LIST RECORD BOOKS CHECKED \_\_\_\_\_

ACCOMPANIED BY: COMPANY REP. Rob Baumann &

John Speers

MINERS REP. \_\_\_\_\_

AREAS OF INSPECTION ACTIVITY:

Health Sampling (respirable dust)

Terminated Citations

Deliver

PAGE NO 1 INSP INITIAL mm SUPERVISOR DEL

MSHA Form 7000-1011, June 93 (revised)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1998-1-508-218



DAILY COVER SHEET

DATE 3/5/2023 EVENT NO. 7029430

ARRIVED AT THE MINE 0840 DEPARTED FROM THE MINE 10:35

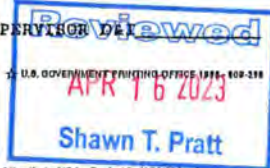
LIST RECORD BOOKS CHECKED \_\_\_\_\_

ACCOMPANIED BY: COMPANY REP. Jessie Moles -  
EH&S Specialist, John Spears - Op. Manager  
MINERS REP. Rob Baumgart

AREAS OF INSPECTION ACTIVITY:

PAGE NO 1 INSP INITIAL mm SUPERVISOR DEK

MSHA Form 7000-1011, June 93 (revised)



EVENT No. 7028430

3/31/2023

GENERAL FIELD NOTES

Area(s)/Equipment	23-00504	Comments
Citation Due:	9539748 - Ground test on ext cords. Due 0800	
	9539760 - WPE's D <sub>2</sub> Order	
Paperwork List	jessie.molesi@AmericanTapioli.com	
Reviewed	<ul style="list-style-type: none"> <li>Dust sampling &amp; analysis with Jessie and Rob</li> <li>All three citations in detail including expectations for next week. <ul style="list-style-type: none"> <li>Update RPP</li> <li>Medical Evaluations</li> <li>PAPR's &amp; respirators</li> <li>Fit tests</li> <li>Survey Dust control systems</li> <li>Make arrangements for dust sampling &amp; Analysis</li> </ul> </li> <li>Explained requirements for respirators in detail including necessity to fit test when deemed.</li> <li>PAPR or Supplied Air - no fit test req.</li> <li>Showed pictures of PAPR's to op &amp; miners rep.</li> </ul>	

Page 2 of 2

Reviewed

*km*

APR 16 2023

Shawn T. Pratt

HA Form 4000-49H, Aug. 93 (revised)

U.S. GPO: 1996-709-540



2/14/23 23-00504 E04

GENERAL FIELD NOTES

EVENT NO. 7029430

Area(s)/Equipment

Comments

Met with Gauge wheels; Rob Bau mann.

Discussed w/p exam with John Spears. He stated they keep those electronically

Ground Checks done 4/22/22

Reviewed w/p exams All electronic with little information

Open elect Panel 2/10/23

Fire ext # 2021 outside of office 0810

Shop Area # Unsecured cylinder

hand Grinder no guard # no guard

Break Room - Break Box # open hole 0835 \* Unlabeled

Palletizer ~~Box~~ unsecured motor; Gas Box 0845 <sup>Switch</sup> guard loose

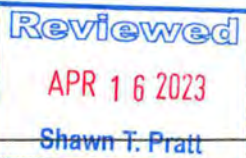
Traveled into the mill where Mr Spears stated he didn't know any of this stuff was this way; that FOS; last 2 inspectors stated it was ok; approved. I stated that yesterday you told me you had seen these conditions; made notes but didn't follow up to see if any were corrected; again I stated you were cited for the same condition in some of the same areas before

shop conf. bench grinder # Tool rest not adjusted ~~containing tool~~ <sup>Box</sup>

Plant Mgr

12:00 noon - no work on guards or housekeeping C.F

1500 no. work on guards housekeeping started



Page 2 of 9

Data don't delete	Date	Order #	Shift	Completed Order	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
Yes										0									
No	11/3/2022	Stock	1ST	Yes	12:00 PM	4:00 PM	ATMO	DGR	100	80	8000		40x48	5		Large	5		Ran DGR to start because that was the last grade we ran. Switched to OGR
	11/3/2022	SO-268	1ST	No	4:00 PM	4:30 PM	Maverick	OGR	100	20	2000		40x48	1		Large	1		the finished product elevator is slow
1ST	11/3/2022	Stock	1ST	Yes	11:30 AM	12:00 PM	ATMO	OGR	2000	1	2000		40x48	1		Bulk	1		First finished product
	11/3/2022	SO-268	2ND	No	4:30 PM	12:00 AM	Maverick	OGR	100	192	19200		40x48	10		Large	10		System still backing up product cyclone
2ND	11/3/2022	Stock	2ND	Yes	5:30 PM	12:00 AM	ATMO	OGR	2000	1	2000		40x48	1		Bulk	1		backing up
DGR	11/8/2022	stock	1ST	Yes	8:00 AM	4:00 PM	ATMO	OGR	2000	1	2000		40x48	1		Bulk	1		
	11/8/2022	SO-268	1ST	No	8:00 AM	4:00 PM	Maverick	OGR	100	140	14000		40x48	7		Large	7		Repaired flour elevator,long scroll, waited for electrictrion to repair direction of new scroll
AFR	11/8/2022	SO-268	2ND	Yes	4:30 PM	12:00 AM	Maverick	OGR	100	48	4800		40x48	1		Large	1		
PR	11/8/2022	SO-268	2ND	Yes	4:30 PM	12:00 AM	Maverick	OGR	100	80	8000		40x48	4		Large	4		
R-10																			
	11/8/2022	Stock	2ND	Yes	4:30 PM	12:00 AM	ATMO	OGR	100	244	24400		40x48	13		Large	13		Stayed running 100 ogr per John will properly allocate orders tommorow
R-30	11/9/2022	Stock	1ST	Yes	8:00 AM	4:30 PM	ATMO	OGR	100	80	8000		40x48	4		Large	4		
R-45	11/9/2022	SO-384	1ST	No			KOYO	AFR	100	20	2000		HT Large	1		Large	6		Flour elevator repairs
	11/9/2022	SO-384	2ND	No	4:30 PM	11:00 PM	KOYO	AFR	100	189	18900		HT Large	10		Large	60		Flour elevator making noise ,losing product
Trfl-R																			
DGC	11/10/2022	SO-384	1ST	Yes	1:00 PM	3:15 PM	KOYO	AFR	100	21	2100		HT Large	1		Large	6		20+189+21=230
	11/10/2022	Stock	1ST		1:00 PM	3:15 PM	ATMO	AFR	100	48	4800		HT Large	3		Large	3		Finally got the flour elevator lined out
AFC	11/10/2022	SO-483	1ST	Yes	3:15 PM	3:45 PM	Fed_Mog	AFR	50	50	2500		#2 Standard	2		Small	12		Covered in slip sheets
PC	11/10/2022	Stock	1ST		3:15 PM	3:45 PM	ATMO	AFR	50	8	400		#2 Standard	1		Small	1		
C-10	11/10/2022	SO-386	1ST	Yes	3:45 AM	4:30 PM	Reptec	Trfl-R	100	20	2000		40x48	1		Large	6		Covered in slip sheets
C-15	11/10/2022	SO-409	2ND	Yes	6:00 PM	7:00 PM	B-P	OGR	100	20	2000		#2 Standard	1		Large	6		Wrapped and tagged 6-ways day shift ran til 6 switched to ogr
C-30																			
	11/10/2022	SO-403-A	2ND	No	7:00 PM	7:00 PM	Shanghai	OGR	100	22	2200		40x48	1		Large	1		Changed fluid bed dryer belt til 9:30 start up hindered by overload switch
C-45																			
										0									
50										0									
60										0									
75										0									
90										0									
100										0									
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2000										0									
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Data don't delete	Date	Order #	Shift	Completed Order	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
Yes	12/14/2022	SO-286-A	1ST	Yes	8:00 AM	1:30 PM	Bright Ab	OGR	2000	7	14000		40x48	7		Bulk	7	Start up adjusted belt,finish flour elevator electrical prob ,eary shutdown to time fluid bed dryer	
No	12/14/2022	SO-286-B	1ST	Yes	1:30 PM	3:15 PM	Bright Ab	OGR	2000	6	12000		40x48	6		Bulk	6	Re-timed the bed dryer.	
	12/15/2022	SO-286-B	1ST	Yes	8:00 AM	2:30 PM	Bright Ab	OGR	2000	13	26000		40x48	13		Bulk	13	Start up, problems with scroll, flour elevator, flour elevator bearing housing broke	
1ST	12/19/2022	SO-286-b	1ST	Yes	8:00 AM	10:00 AM	Bright Ab	OGR	2000	1	2000		40x48	1		Bulk	1	Start up, had to finish put the flour elevator back together on bottom	
2ND	12/19/2022	SO-287-B	1ST	Yes	10:00 AM	4:00 PM	Bright Ab	OGR	2000	10	20000		40x48	10		Bulk	10	Worked on the packer. Would not fill paper sacks. Figured out the packer problem.	Should be able to pack 100# sacks on 12/20/22
													40x48			Large		Start up, bagger started having issues. Restarted twice, ran a few more bags and then it totally quit. So switched to bulk product.	
OGR	12/20/2022	SO-292	1st	Yes	8:00 AM	11:30 AM	Reptec	DGR	100	60	6000		40x48	3			3		
	12/20/2022	SO-287-B	1ST	Yes	11:30 AM	4:00 PM	Bright Ab	OGR	2000	9	18000		40x48	9		Bulk	9		
													40x48			Large		Switched to DGR, manually filling 100 Pound bags. Donaldson backing up due to loss of air pressure, causing us to have to empty vacuum tube multiple times.	
DGR	12/21/2022	SO-292	1ST	Yes	12:30 PM	4:00 PM	Reptec	DGR	100	47	4700			3			3		
AFR	12/21/2022	SO-287- B	1ST	Yes	8:00 AM	12:00 PM	Bright Ab	OGR	2000	1	2000		40x48	1		Bulk	1	Start up, on bulk while working on the bagger.	
PR	12/21/2022	Stock	1ST	Yes	8:00 AM	12:00 PM	ATMO	OGR	2000	4	8000		40x48	4		Bulk	4		
													40x48			Large		Slow to warm up due to the falling tempatures Actual date 12/22/2022	
R-10	12/22/2022	SO-292	1ST	Yes	8:00 AM	12:00 PM	RepTec	DGR	100	73	7300			4			4		
R-15	12/22/2022	Stock	1ST	Yes	12:00 PM	1:00 PM	ATMO	DGR	2000	1	2000		40x48	1		Bulk	1	At 3 above zero outside machine parts started to freeze. Finished with a bulk bag	Actual date 12/22/2022
R-30	12/26/2022	SO-292	1st	Yes	8:00 AM	11:00 AM	Reptec	DGR	100	20	2000		40x48	4		Large	4	Start up, problem with big compressor, cold temps, so it took awhile to move product.	
R-45	12/26/2022	Stock	1st	Yes	8:00 AM	11:00 AM	ATMO	DGR	2000	1	2000		40x48	1		Bulk	1	Stock	
Trfi-R	12/26/2022	SO-298	1st	no	11:00 AM	4:00 PM	Reptec	DGR	100	37	3700		40x48	3		Large	3	Product stopped running into 100th bags and clean out, working on bagger	
													40x48			Bulk		Switched to OGR, started having issues with the burner at 2:30, burner may be having some pressure issues, finished out the day and going to see how the burner is in the morning	
OGC	12/28/2022	SO-287-A	1ST	Yes	8:00 AM	4:00 PM	Bright Ab	OGR	2000	17	34000			17				Finished SO-287-A Replaced burner sensors. Re-fired at 3:30 pm	
DGC	12/30/2022	SO-287-A	1ST	Yes	8:30 AM	10:00 AM	Bright Ab	OGR	2000	3	6000		40x48	3		Bulk			
AFC	12/30/2022	SO-287-B	1ST	No	3:30 PM	5:15 PM	Bright Ab	OGR	2000	3	6000		40x48	3		Bulk		Jim and John's late day run after fixing dryer burner.	
PC											0								
C-10											0								
C-15											0								
C-30											0								
C-45											0								
Trfi-C											0								
											0								
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#2 Standard	0
40x48	0
HT Small	0
HT Large	0
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Small	0
Large	0
Bulk	0
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12:00 AM	0
11:59 PM	0

Data don't delete	Date	Order #	Shift	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
Yes	1/2/2023	SO-289-A		Yes, but later date	11:30 AM	4:00 PM	Bright Abr	OGR	2000	10	20000		40x48	10		Laminated	10	The Lovejoy on the bulk bag scroll pushed apart.	Gage and Patrick realigned Bulk bag lovejoy. Had to borrow a pulley puller from O'reilly's. We also made sure the burner was going to be fully functional.
No	1/3/2023	SO-289-A		Yes	8:00 AM	4:00 PM	Bright Abr	OGR	2000	7	14000		40x48	7		Large	7	Repaired feed scroll down for 2hrs	RT - Questions about inventory and order calls for 40 bags.
Yes, but later date	1/3/2023	SO-289-B		Yes, but later date	1:00 PM	4:00 PM	Bright Abr	OGR	2000	5	10000		40x48	5		Large	5		Second part for 289 need 15 more
	1/4/2023	SO-289-B		Yes, but later date	8:00 AM	3:30 PM	Bright Abr	OGR	2000	10	20000		40x48	10		Large	10	Got shut down early by DNR, MSHA, Seneca Police	Need 5 more bags
OGR	1/5/2023	SO-289-B		Yes, but later date	3:30 PM	5:45 PM	Bright Abr	OGR	2000	3	6000		40x48	3		Large	3	Spent most of the day hooking up the sprinkler and dust bag for the Donaldson	Need 2 more bags
DGR	1/6/2023	SO-289-B		Yes	10:00 AM	11:30 AM	Bright Abr	OGR	2000	2	4000		40x48	2		Large	2	The furnace took a while to warm up. The gas regulators may be a little sensitive to the cold.	
AFR	1/6/2023	SO-290		Yes	11:30 AM	3:30 PM	Bright Abr	OGR	2000	7	14000		40x48	7		Large	7	3:30 to 4:30 - cleared the system and did clean up.	Need 13 more bags
Trifil-R	1/9/2023	SO-0290		Yes	9:30 AM	2:30 PM	Bright Abr	OGR	2000	13	26000		40x48	13		Large	13	Warmed up and rolling by 9:30am. charged the tube mill	
PR	1/9/2023	SO-431		Yes, but later date	2:30 PM	3:15 PM	Osborn OH	DGR	2000	1	2000		40x48	1		Large	1	Filled one and started another for clearing the system. Met with DNR Ms. Graves	Need 20 more bags to complete order
R-45	1/10/2023	SO-431		Yes, but later date	8:00 AM	3:00 PM	Osborn OH	DGR	2000	9	18000		40x48	9		Large	9	Stopped feeding product at 1:40 to change out the little mac filters due to dusting.	
R-30	1/11/2023				8:00 AM	4:30 PM	ATMO			0	0							Down for maintenance. WHY: bad dusting from dust collection	
R-15	1/12/2023	SO-431		Yes, but later date	8:00 AM	1:30 PM	Osborn OH	DGR	2000	3	6000		40x48	3		Large	3	Feeder scroll would not activate found wiring issue and resumed production.Stopped feeding product multiple times to try to resolve dusting issues from lil mac,tried beating product off then restarting didnt resolve issues then at started having burner temp issues again going to clean til shutdown	
R-10	1/13/2023	SO-446		Yes	8:00 AM	10:30 AM	AL BAQURAH	DGR	2000	1	2000		HT Large	1		Large	1		
R-6	1/16/2023	SO-431		Yes	8:00 AM	3:00 PM	Osborn OH	DGR	2000	8	16000		40x48	8		Large	8	Lovejoy came apart on the feeder scroll again and early clean out to sweep the green monster out.	
OGC	1/16/2023	SO-446		Yes	3:00 PM	3:30 PM	AL BAQURAH	DGR	2000	1	2000		HT Large	1		Large	1		
	1/17/2023	Maint									0							Maintenance: Replace bearing at bottom end of dryerbed/tube mill feed scroll	
DGC	1/18/2023	SO-287-A		No	9:00 AM	12:00 PM	Bright Abr	OGR	2000	5	10000		40x48	5		Large		Apparently there was a miss count for this order and the first 5 bags produced went to finish the order for shipment today.	
AFC	1/18/2023	ATMO			12:00 PM	3:45 PM	ATMO	OGR	2000	5	10000		40x48	5		Large			
Trifil-C	1/19/2023	ATMO			8:00 AM	4:00 PM	ATMO	OGR	2000	5	10000		40x48	5		Large		Stopped production due to dusting out of little mac, chain coming off pick belt, rock exhaust not reaching temperature, and stopped producing at 1:00 PM	

PC	1/20/2023	Maint						0	0					Outside air tempature did not allow for production. Spent the afternoon working on the Little MAC filter unit. Blowing a continuous cloud of dust. Going to construct a bag collector to slip over the top of the exhaust port.
C-30	1/23/2023	maint							0					Worked on lil mac
C-15	1/24/2023	SO-290	No	8:00 AM	4:30 PM	Bright Abr	OGR	2000	7	14000	40x48	7	Large	Worked on bagger,waited on temp, Need to assign the 10 bags from atmo to so-290 so we need 4 more to finish for 21 bags
C-10	1/25/2023	Maint								0				
C-5	1/26/2023	Maint								0				worked on flour auger,replacing tube mill rock
	1/27/2023	Maint								0				Flour elevator still down repairing tube mill,fixing air leaks
50	1/30/2023	Maint								0				Down due to flour elevator,Tube mill completed added a half a bag to tube mill,cleaning up under tube mill working on auger for flour mill scroll
60	1/31/2023	Maint								0				Flour elevator still down repairing and digging material out of scrolls
75										0				
90										0				
100										0				
900										0				
2000										0				
										0				
										0				
										0				
#2 Standard										0				
40x48										0				
HT Small										0				
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										0				
Small										0				
Large										0				
Laminated										0				
										0				
										0				
12:00 AM										0				
11:59 PM										0				

Data don't delete

Date	Order #	Shift	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
2/7/2023	SO-290		YES	8:00 AM	10:00 AM	Bright	OGR	2000	4	8000		40x48	4		Large	4		Finished the order plus one to replace the missing from their last order.
2/7/2023	SO-411		YES, but at a later date	10:00 AM	4:00 PM	Osborn	OGR	2000	15	30000		40x48	15		Large	15		Need six more to finish.
2/8/2023	SO-411		YES	8:00 AM	12:00 PM	Osborn	OGR	2000	6	12000		40x48	6		Large	6	Bulb was out in control room,made sure og screen was actually working	This order is complete wont let bme put yes in column
2/8/2023	SO-438		YES, but at a later date	12:00 PM	4:30 PM	Osborn	OGR	2000	9	18000		40x48	9		Large	9		
2/9/2023	SO-438		YES	8:00 AM	11:45 AM	Osborn	OGR	2000	6	12000		40x48	6		Large	6		Order complete 15 bags of ogr
2/9/2023	SO-435		No	11:45 AM	4:00 PM	Osborn	DGR	2000	10	20000		40x48	10		Large	10		Need 11 more
2/10/2023	SO-298		No	8:00 AM	10:00 AM	Reptec	DGR	100	13	1300		40x48	1		Large	1	Worked on low bin light ,Gage worked on bagger never got it working correctly went to switched back to bulk bags	
2/10/2023	SO-435		YES	8:00 AM	4:00 PM	Osborn	DGR	2000	11	22000		40x48	11		Large	11	Stopped feeding a few minnutes early to patch the bottom of the scroll on 4th floor	
2/10/2023	Stock		No	2:00 PM	4:00 PM	ATMO	DGR	2000	3	6000		40x48	3		Large	3		
2/13/2023	SO-447		No	8:00 AM	3:00 PM	Osborn	DGR	2000	12	24000		40x48	12		Large	12	Got shut down early by MSHA	
2/28/2023	SO-447		YES	9:00 AM	3:00 PM	Osborn	DGR	2000	9	18000		40x48	9		Large	9		

50  
60  
75  
90  
100  
900  
2000

#2 Standard  
40x48  
HT Small  
HT Large

Small  
Large  
Laminated

12:00 AM  
11:59 PM

Data don't delete

Yes

No

OGR

DGR

AFR

Trifil-R

PR

R-45

R-30

R-15

R-10

R-6

OGC

DGC

AFC

Trifil-C

PC

C-45

C-30

C-15

C-10

C-5

50

60

75

2000

#2 Standard  
40x48  
HT Small  
HT LargeSmall  
Large  
Laminated

Date	Order #	Shift	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
3/1/2023	SO-449		Yes	9:00 AM	2:00 PM	Osborn OH	DGR	2000	7	14000		40x48	7		Large	7	Finish elevator broke	
3/9/2023	SO-298		No	8:00 AM	2:30 PM	Reptec	DGR	100	60	6000		40x48	3		Large	3	Finish elevator completed,worked on packer could not get it going ran bulk bags also	
3/9/2023	SO-449		Yes	8:00 AM	4:00 PM	Osborn OH	DGR	2000	9	18000		40x48	9		Large	9		
3/10/2023	SO-449		Yes	8:00 AM	11:30 AM	Osborn OH	DGR	2000	5	10000		40x48	5		Large	5	Issues with burner valve still sticking	
3/10/2023	SO-290-B		Yes	11:30 AM	4:00 PM	Bright Abr	OGR	2000	17	34000		40x48	17		Large	17	3 more to finish	
3/13/2023	SO-290-B		Yes	8:00 AM	10:30 AM	Bright Abr	OGR	2000	3	6000		40x48	3		Large	3		
3/13/2023	SO-377-A		No	10:30 AM	3:30 PM	Bright Abr	OGR	2000	10	20000		40x48	10		Large	10	Early shutdown to attend to green stack issues,shut down for pulveriser breaking	
3/14/2023	Maint/day									0								
3/15/2023	SO-377-A		No	1:30 PM	2:00 PM	Bright Abr	OGR	2000	3	6000		40x48	3		Large	3	Finish elevator broke,started at 1:30 pm	
3/15/2023	SO-298		No	1:30 PM	4:00 PM	Reptec	DGR	100	35	3500		40x48	2		Large	2		
3/20/2023	SO-377-A		No	12:00 PM	1:00 PM	Bright Abr	OGR	2000	3	6000		40x48	3		Large	3	Worked on burner til noon finished up filling partial bulk bags to switch to double ground . packer working but a lil slower and did not kick off a few times	
3/20/2023	SO-576		Yes	1:00 PM	4:00 PM	Treatments Ltd	OGR	2000	2	4000		40x48	2		Large	2	Add by Russ	
3/20/2023	SO-298		No	1:00 PM	4:00 PM	Reptec	DGR	100	135	13500		40x48	7		Large	5		
3/21/2023	SO-298		Yes	8:00 AM	11:30 AM	Reptec	DGR	100	130	13000		40x48	6		Large	6		
3/21/2023	SO-304		No	11:30 AM	4:00 PM	Reptec	OGR	100	180	18000		40x48	9		Large	9		
3/22/2023	SO-304		Yes	9:00 AM	10:30 PM	Reptec	OGR	100	20	2000		40x48	1		Large	1		
3/22/2023	ATMO		Yes	10:30 AM	11:15 AM	Stock	OGR	2000	1	2000		40x48	1		Large	1	Switched to DGR. Product was running slow. Later discovered that the 4th floor shaker was clogged.	
3/22/2023	SO-304		Yes	11:15 AM	12:30 PM	Reptec	DGR	100	48	4800		40x48	3		Large	3	Shaker drain pipe was clogged and backed up the system. Spent the rest of the afternoon clearing.	
3/23/2023	SO-304		Yes	9:00 AM	3:00 PM	Reptec	DGR	100	152	15200		40x48	7		Large	7	Slow running. Had to unclog the Finished product tube because the vacuum was weak at times. Also adjusted the shaker.	NEED 20 MORE BAGS TO COMPLETE THE ORDER!!!!
3/24/2023	SO-304		Yes	9:30 AM	11:00 AM	Reptec	DGR	100	20	2000		40x48	1		Large	1	Donaldson filer change,instaled bolts on vibrator	
3/24/2023	SO-316-A		No	11:00 AM	4:00 PM	PRIOR	DGR	100	171	17100		HT Large	5		Large	5		
3/27/2023	SO-316A		No	11:00 AM	3:45 PM	PRIOR	DGR	100	114	11400		HT Large	5		Large	5	The shaker seemed to function a little better.	
3/28/2023	SO-316-A		No	8:00 AM	4:00 PM	PRIOR	DGR	100	259	25900		HT Large	13		Large	13		Need 24 more bags to complete
3/29/2023	SO-316-A		Yes	8:00 AM	10:00 AM	PRIOR	DGR	100	24	2400		HT Large	1		Large	1	Start up	
3/29/2023	SO-316-B		No	8:00 AM	4:00 PM	PRIOR	OGR	100	260	26000		HT Large	13		Large	13		
3/30/2023	SO-316-B		No	9:30 AM	4:00 PM	PRIOR	OGR	100	100	10000		HT Large	5		Large	5	Charged tube mill got lil mac going helping to produce better	
3/30/2023	SO-316-B		No	9:30 AM	4:00 PM	PRIOR	OGR	100	127	12700		HT Large	6		Large	6		
3/31/2023	SO-316		No	8:45 AM	4:00 PM	PRIOR	OGR	100	293	29300		HT Large	15		Large	15	Ran pretty good today	Getting more confident at feeding product at closer intervals. Need to keep material hot. Finished product flows easy up the packer cyclone.

12:00 AM  
11:59 PM



**AMERICAN TRIPOLI**  
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EMAIL: Info@AmericanTripoli.com

To: Jena Turner  
From: Russell Tidaback  
Date: April 26, 2022  
Re: Letter of Reprimand

This letter is a formal reprimand for the performance you have exhibited on the job. Your work, despite encouragement and guidance given, is not improving. In the employee hand book it outlines the 3-step progressive discipline process.

We have expressed on numerous occasions that we are a collaborative and team work based company. As part of this collaborative and team work based environment it is the management teams responsibility to provide tasking/responsibility direction and assistance and then to hold employees accountable for the tasks/responsibilities given. We strive to create a healthy, positive environment and do everything we can to help you succeed.

When your manager, or one of the company owners, specifically task you with something you need to ensure the task(s) are completed efficiently and effectively in a timely manner. We will address a few instances where this type of incident has come up.

- The natural gas contract. You were tasked to reach out to vendors and when asked the status you stated you hadn't heard anything and would follow up. This occurred numerous times. We eventually had to resolve this tasking at the management level.

- Having Teams on your phone for collaboration. This has been an ongoing issue since October. The last response from you when inquired is that you just didn't want to as it caused you to check it all the time. Having Teams on your phone and being collaborative is part of the job responsibilities and team work.

- Preparing the smaller retail bags for inventory. This was asked of you for more than a month. We had to do this at the management level to get it done.

- Taking the provided company laptop home with you each evening. We have been discussing the purpose of taking the company laptop home each evening since June 2021. Now that the company has provided a laptop, when asked why you are not taking the laptop home each night, the response from you was that you just didn't want to.

All of these incidents are taken as either not understanding the company hierarchy, tasks and responsibilities, what being a team player is, or blatant disrespect.

You have approximately thirty days, although if we don't see early progress, you will not get the full thirty days, to demonstrate that you can perform this job, effectively complete the tasks given, and participate as a company team player. If you don't demonstrate immediate progress, we will terminate your employment.

We will place a copy of this formal, written reprimand in your personnel file in Human Resources.





**AMERICAN TRIPOLI**  
P.O. BOX 489 – SENECA, MISSOURI 64865  
TEL.NO.+1.417.776.2216  
EMAIL: Info@AmericanTripoli.com

Please take this advice seriously as our preference is always to see employees succeed.

Signature:

Supervisor Name: Russell Tidaback (Owner)

Date: 26APR2022

#### Acknowledgment of Receipt

I acknowledge that I have received this written reprimand. My acknowledgment does not mean that I agree with its contents. I understand that you will place a copy of this reprimand in my official personnel file. I also acknowledge that I have the right to prepare a written response that you will attach to the original letter of reprimand.

Signature:

Employee Name: Jena Turner

Date:

4/26/22





# AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865

TEL.NO.+1.417.776.2216

EMAIL: Info@AmericanTripoli.com

To: Camrin Bindel  
From: Christine Schreiber  
Date prepared: 06/06/2022  
Letter of Termination

This letter is formal documentation of the poor performance you have exhibited on the job leading to termination. Your work, despite the encouragement and guidance given, is not improving.

We have expressed on numerous occasions that we are a collaborative and teamwork-based company. As part of this collaborative and teamwork-based environment, it is the management team's responsibility to provide tasking/responsibility direction and assistance and then to hold associates accountable for the tasks/responsibilities given. We strive to create a healthy, positive environment and do everything we can to help you succeed.

Specific areas of complaint include:

- Not finishing tasks in a timely manner
- Talking back when directions are given
- Spending extended periods of time in your supervisor's office despite signage stating not to and being told not to multiple times
- Looking through your supervisor's computer when he was not present, and permission was not given
- Using a pair of needle-nose pliers to stab other employees' legs while they were in the restroom
- Harassing other employees to look through their phones to see if they said negative comments about you
- Asking your supervisor to look through his phone to see if he said negative comments about you

Your termination is effective immediately due to your behavior. Your behavior continues to happen despite several warnings, including a written warning given via message from Russell Tidaback on 05/31/2022.

Signature:

Manager Name:

Christine Schreiber

Date:

6/7/22

## Acknowledgment of Receipt

I acknowledge that I have received this written termination. My acknowledgment does not mean that I agree with its contents. I understand that you will place a copy of this letter in my official personnel file.

Signature:

Associate Name:

refused to sign

Date:

6/7/22



# AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865

TEL.NO.+1.417.776.2216

EMAIL: Info@AmericanTripoli.com

Camrin Bindle  
Mill Associate  
201 N. Vine St.  
Commerce, OK 74339

Date: 6/7/2022

Dear Camrin Bindel,

This is regarding your resignation notice on 6/7/2022 wherein you requested to be relived of your services immediately. We want to inform you that your resignation is accepted, and you're relieved from your position as Mill Associate with American Tripoli with the effective date 6/7/2022.

We sincerely appreciate your contributions to American Tripoli for the following time period 3/28/2022 – 6/7/2022. To receive a professional recommendation will require a more personal relationship with someone within the company.

Respectfully,

Christine Schreiber  
Operations Manager



# AMERICAN TRIPOLI

SENECA STANDARD

To: Carson Allman

From: John Spears

Date: 13OCT2022

RE: Letter of Reprimand

This letter is to inform you that your performance is not meeting the expected requirements for your position as a maintenance technician. We're concerned and want to see you succeed.

You are officially failing to perform for the following reason(s):

- Understand the priority of maintenance needs for production
- Complying with responding to maintenance calls
- Demonstrating lack of sense of urgency
- Demonstrating lack of maintenance experience as represented on resume

Based on position description, role discussions, verbal, and written communications, you are failing to meet the performance measurements for your role. These performance requirements affect not only the success of American Tripoli's operations but also the success of our customer which rely on our products to be produced and delivered so they can support their employees and customers.

As a result, If we do not see improvements immediately, additional disciplinary action will occur up to and including termination of employment. This letter will be added to your personnel file.

What can we do to support you in your role? Comment below.

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John Spears - Operations Manager

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Carson Allman - Maintenance Technician

Comments:

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**Mailing Address:**

2701 East Grauwlyer Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

To: **PATRICK LEWIS**  
From: **JOHN SPEARS, RUSSELL TIDBACK**  
Date: **5/12/2023**

Re: Letter of Reprimand for performance **ATTENTION** **4/21/2023 5/8/2023**  
**4/27/2023 5/9/2023**

This letter is an official written reprimand for your failure to perform the functions of your mill associate position appropriately. Your consistency and dependability are a problem when we are trying to fill customer orders. We can't count on you to do your part.

You have received verbal counseling before this letter. There is a daily performance production goal and tasks that must be completed by you. By not following the instructions and guidance given by your supervisor or a teammate placed in position to make things happen you are jeopardizing operations and the safety of all. This cannot be tolerated.

You have approximately two weeks, although if we don't see early progress, you will not get the full two weeks, to demonstrate that you are fully trying to improve on your performance of this job. If you don't demonstrate immediate progress, we will be forced to terminate your employment. We do not want this.

Please take this advice seriously as our preference is always to have you succeed and be happy while at work.

We will place a copy of this formal, written reprimand in your personnel file.

Signature: **John Spears**  
Supervisor Name: **JOHN SPEARS**  
Date: **5/12/2023**

**Acknowledgement of Receipt:**

I acknowledge that I have received this written reprimand. My acknowledgement does not mean that I agree with its contents. I understand that you will place a copy of this reprimand in my official personnel file. I also acknowledge that I have the right to prepare a written response that you will attach to the original letter of reprimand, if I chose to do so.

Signature: **Patrick Lewis**  
Employee Name: **PATRICK LEWIS**  
Date: **5/12/2023**

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

To: RJ WILLIAMS  
From: JOHN SPEARS, RUSSELL TIDBACK  
Date: 5/10/2023

Re: Letter of Reprimand for performance & ATTENDANCE

This letter is an official written reprimand for your failure to perform the functions of your mill associate position appropriately. Your consistency and dependability are a problem when we are trying to fill customer orders. We can't count on you to do your part.

You have received verbal counseling before this letter. There is a daily performance production goal and tasks that must be completed by you. By not following the instructions and guidance given by your supervisor or a teammate placed in position to make things happen you are jeopardizing operations and the safety of all. This cannot be tolerated.

You have approximately two weeks, although if we don't see early progress, you will not get the full two weeks, to demonstrate that you are fully trying to improve on your performance of this job. If you don't demonstrate immediate progress, we will be forced to terminate your employment. We do not want this.

Please take this advice seriously as our preference is always to have you succeed and be happy while at work.

We will place a copy of this formal, written reprimand in your personnel file.

Signature: John Spears  
Supervisor Name: JOHN SPEARS  
Date: 5/10/2023

**Acknowledgement of Receipt:**

I acknowledge that I have received this written reprimand. My acknowledgement does not mean that I agree with its contents. I understand that you will place a copy of this reprimand in my official personnel file. I also acknowledge that I have the right to prepare a written response that you will attach to the original letter of reprimand, if I chose to do so.

Signature: [Signature]  
Employee Name:  
Date: 5/10/2023

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 7-17-2023

To: Jim Hoover

From: John Spears, Operations Manager

Re: Failure to communicate and follow planned instructions

Dear Jim Hoover,

This is a warning letter that your failure to adhere to Standard Communication practices and planned instructions will no longer be tolerated. The management team has been closely monitoring your performance over the past few months and it has been concluded that you have failed to meet the standards expected of you.

In our last meeting you and I discussed your failure to communicate your intentions as they pertain to production in the mill. These include leaving your work station, leaving company property, not following planned maintenance, et al. You were also informed that due to frequent absenteeism, you are unable to manage the workload and as a result, you are unable to meet the standards. Considering your situation, you were numerous opportunities to correct these actions which has caused serious loss to the company and still the production was behind schedule.

You must understand that this kind of poor performance adversely affects the company and individual employee performance affects the company financially.

Reminder, our standard of conduct and disciplinary process is a 3-step process. 1<sup>st</sup> offense is a verbal warning. The 2<sup>nd</sup> offense is a written warning letter and the 3<sup>rd</sup> offense is termination.

We are hopeful that you will be more sincere and dedicated in your job and will meet all your standards within the given time frame or else we will have to the next step disciplinary actions. You will have 10 business days to correct the unsatisfactory performance noted in this letter. If you fail to improve despite everything then this can even lead to your termination. In case, you have any doubts on being able to complete your taskings within the standards then please let me know.

John Spears  
Operations Manager  
American Tripoli

I Agree / Disagree (Circle one) with the issue as state above and agreeing to remediate the behavior as stated above. If I disagree with the statement above, I will provide a written statement to the Operations Manager before the close of the next business day. This written statement can be on the back side of this letter.

Jim Hoover / Date signed

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page 1 of 1

CustomerService@AmericanTripoli.com



**Mailing Address:**

2701 East Grauwlyer Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 7-17-2023

To: Raneldon Williams

From: John Spears, Operations Manager

Re: Failure to communicate and follow planned instructions

Dear Raneldon Williams,

This is a warning letter that your failure to adhere to Standard Communication practices and planned instructions will no longer be tolerated. The management team has been closely monitoring your performance over the past few months and it has been concluded that you have failed to meet the standards expected of you.

Last week, you had stated that were not going to perform the tasks as asked due to you not getting paid a maintenance wage. The taskings of your position include assisting maintenance. You are not trained or experience to perform maintenance tasks alone or without instruction and supervision from a maintenance team member. Failure to comply with directions from your supervisor is a dereliction of duty and will not be tolerated. Also you and I discussed your failure to communicate your intentions as they pertain to production in the mill. These include leaving your work station, leaving company property, et al. You were also informed that due to frequent tardiness and or absenteeism, you are unable to manage the workload and as a result, you are unable to meet the standards. Considering your situation, you were numerous opportunities to correct these actions.

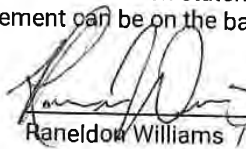
You must understand that this kind of poor performance adversely affects the company and individual employee performance affects the company financially.

Reminder, our standard of conduct and disciplinary process is a 3-step process. 1<sup>st</sup> offense is a verbal warning. The 2<sup>nd</sup> offense is a written warning letter and the 3<sup>rd</sup> offense is termination.

We are hopeful that you will be more sincere and dedicated in your job and will meet all your standards within the given time frame or else we will have to the next step disciplinary actions. You will have 10 business days to correct the unsatisfactory performance noted in this letter. If you fail to improve despite everything then this can even lead to your termination. In case, you have any doubts on being able to complete your taskings within the standards then please let me know.

\_\_\_\_\_  
John Spears  
Operations Manager  
American Tripoli

I Agree / Disagree (Circle one) with the issue as state above and agreeing to remediate the behavior as stated above. If I disagree with the statement above, I will provide a written statement to the Operations Manager before the close of the next business day. This written statement can be on the back side of this letter.

 7-19-23  
Raneldon Williams / Date signed

Note: One copy of this letter given to employee and one copy place in employee personal HR file

Page 1 of 1

CustomerService@AmericanTripoli.com

Exhibit P-35, Page 009

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 7-17-2023

To: Patrick Lewis

From: John Spears, Operations Manager

Re: Failure to communicate and follow planned instructions

Dear Patrick Lewis,

This is a warning letter that your failure to adhere to Standard Communication practices and planned instructions will no longer be tolerated. The management team has been closely monitoring your performance over the past few months and it has been concluded that you have failed to meet the standards expected of you.

Last week, you had stated that were not going to perform the tasks as asked due to you not getting paid a maintenance wage. The taskings of your position include assisting maintenance. You are not trained or experience to perform maintenance tasks alone or without instruction and supervision from a maintenance team member. Failure to comply with directions from your supervisor is a dereliction of duty and will not be tolerated. Also you and I discussed your failure to communicate your intentions as they pertain to production in the mill. These include leaving your work station, leaving company property, et al. You were also informed that due to frequent tardiness and or absenteeism, you are unable to manage the workload and as a result, you are unable to meet the standards. Considering your situation, you were numerous opportunities to correct these actions.


You must understand that this kind of poor performance adversely affects the company and individual employee performance affects the company financially.

Reminder, our standard of conduct and disciplinary process is a 3-step process. 1<sup>st</sup> offense is a verbal warning. The 2<sup>nd</sup> offense is a written warning letter and the 3<sup>rd</sup> offense is termination.

We are hopeful that you will be more sincere and dedicated in your job and will meet all your standards within the given time frame or else we will have to the next step disciplinary actions. You will have 10 business days to correct the unsatisfactory performance noted in this letter. If you fail to improve despite everything then this can even lead to your termination. In case, you have any doubts on being able to complete your taskings within the standards then please let me know.

  
John Spears  
Operations Manager  
American Tripoli

I Agree / Disagree (Circle one) with the issue as state above and agreeing to remediate the behavior as stated above. If I disagree with the statement above, I will provide a written statement to the Operations Manager before the close of the next business day. This written statement can be on the back side of this letter.

  
Patrick Lewis / Date signed

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page 1 of 1

CustomerService@AmericanTripoli.com



JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED LIABILITY COMPANY d/b/a AMERICAN TRIPOLI,	)	Mine: MOSenecaMfr LLC dba American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

"Production Control Manager, Seneca, MO" - Posted on August 1, 2022 Job Details \_  
Indeed.com.pdf

"Production Foreman, Seneca, MO" - Posted on August 1, 2022 Job Details \_ Indeed.com.pdf

"Production Lead, Seneca, MO" - Posted on April 17, 2023 Job Details \_ Indeed.com.pdf

Additionally, the mine operator utilized various online platforms, including Facebook community and job posting groups, to reach a broader audience for job postings and employment opportunities. These platforms were chosen to maximize the visibility of the job openings and attract potential candidates.

While the mine operator did post these job openings to replace Robert Baumann, it's important to note that records of job offers made to the numerous prospective employees who were not accepted with the intent to replace Robert Baumann were not retained by the mine operator. However, the mine operator can provide the names of the individuals who received job offers and subsequently accepted employment with the company:

Aaron Duke

Alex Snodgrass

David Dagle

Richard McClelland

Will Shallenburger

These individuals were extended job offers and accepted positions with the mine operator. Any additional details or documents related to these job offers or the hiring process can be provided upon further request.

**INTERROGATORY NO. 2:** To the extent you are making a financial hardship claim in this case, describe how the proposed penalties in this docket would affect Respondent's ability to remain in business, including a description of the current business climate as it relates to your business and how that has changed in the past two years. Such description should include any sales increases or decreases, opening/closing of different mines, and any unexpected expenses or loans.

**ANSWER:** In response to the interrogatory and regarding the financial impact of the proposed penalties, it is imperative to highlight the severe adverse effects that these penalties would have on American Tripoli's ability to remain in business. The current business climate has presented numerous challenges, and the imposition of substantial penalties would exacerbate the company's precarious financial situation.

Over the past two years, American Tripoli has faced several significant challenges that have strained its financial stability. These challenges include:

Employee High Turnover and Quiet Quitting: American Tripoli has experienced a high turnover rate among employees, with over 30 employees leaving the company since June 2021. This level of turnover is exceptionally high for a small company that typically employs 12-15 workers. The phenomenon of "quiet quitting," where employees disengage and become less productive, has also been a significant concern.

Impact of COVID-19: The aftermath of the COVID-19 pandemic has had a lasting impact on the business. The pandemic disrupted the labor market and created uncertainty in the workforce, making it challenging to attract and retain skilled workers.

Supply Chain Disruptions: The global supply chain disruptions in 2022 further compounded the challenges faced by American Tripoli. The costs of building a new mill, which might have allowed for expansion and increased revenue, were estimated to be prohibitively high, hindering any expansion plans.

Operational Shutdowns: The company has experienced prolonged operational shutdowns due to ongoing MSHA inspections and enforcement actions. These interruptions have cumulatively resulted in approximately 12 weeks of downtime, during which the company missed out on an estimated \$3,000,000 in revenue-generating operations. The company has asked the district numerous times for assisted visits to help us but to no avail.

Accumulated Debt: American Tripoli is currently burdened with a debt of approximately \$900,000, not including the \$2,000,000 balance on notes acquired to purchase the business.

Given the aforementioned challenges and the delicate financial state of the company, the proposed penalties in this docket would have a devastating impact on American Tripoli's ability to remain in business. These penalties would further exacerbate the company's debt burden, potentially pushing it towards bankruptcy.

The imposition of substantial fines by MSHA would strain the already limited financial resources, making it increasingly difficult for American Tripoli to meet its financial obligations, retain employees, and continue its operations. The company urges a thorough consideration of these

extenuating circumstances and the potential dire consequences of imposing such penalties.

### DECLARATION

I, RUSSELL TIDABACK state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: RUSSELL TIDABACK

Title: MANAGING MEMBER

Dated:

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents identified or referred to in your answers to the interrogatories above.

RESPONSE: The inquiry and request for information regarding Interrogatory No. 1. To assist you in obtaining the necessary details related to this matter, we kindly direct your attention to the uploaded documents contained in our case file. These documents are organized into folders labeled "Interrogatory 1" and "Interrogatory 2."

For your convenience and to facilitate your review, we have included the relevant documents in the respective folders as follows:

### Interrogatory 1 Folder:

June 13, 2022 - Robert Baumann Application - Candidates \_ Indeed.com.pdf

August 1, 2022 - Production Controller, Seneca, MO - Job Details \_ Indeed.com.pdf

August 1, 2022 - Production Control Manager, Seneca, MO - Job Details \_  
Indeed.com.pdf

August 1, 2022 - Production Supervisor, Seneca, MO - Job Details \_ Indeed.com.pdf

April 17, 2023 - Production Lead, Seneca, MO - Job Details \_ Indeed.com.pdf

Aaron Duke\_American Tripoli\_Offer Letter\_25APR23 - signed.pdf

Alex Snodgrass Resume.pdf

David Daigle Employment Offer Letter.pdf

Richard McClelland\_American Tripoli Position Offer Letter.pdf

Will Shallenburger - American Tripoli Position Offer Letter.pdf

### Interrogatory 2 Folder:

MOSENECAMANUFACTURER LLC - 2021 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2021 Income Statement.pdf

MOSENECAMANUFACTURER LLC - 2021 Tax Returns.pdf

MOSENECAMANUFACTURER LLC - 2022 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2022 Income Statement.pdf

MOSENECAMANUFACTURER LLC - 2022 Tax Returns.pdf

MOSENECAMANUFACTURER LLC - 2023 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2023 Income Statement.pdf

These documents contain relevant information pertaining to the job postings, hiring process, and financial records as outlined in Interrogatory No. 1 and Interrogatory No. 2.

We encourage you to refer to these documents to access the specific details requested.

Should you require any further clarification or additional information, please do not hesitate to reach out to us. We are committed to providing a comprehensive and accurate response to your inquiries.

2. Produce documents reflecting the final paycheck provided to Robert Baumann, including any associated pay stub.

RESPONSE: We have reviewed our records and have identified that the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf" was already included in our initial response within the "First Interrogatories Responses" submission. This document was attached for your reference in that submission.

3. Produce records of hours worked by Baumann on a weekly or bi-weekly basis, including any pay stubs showing hours worked for each pay period.

RESPONSE: We have reviewed our records and have identified that the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf" was already included in our initial response within the "First Interrogatories Responses" submission. This document was attached for your reference in that submission.



4. Produce each pay stub related to each payment made by Respondent to Robert Baumann.

RESPONSE: Upon reviewing your request, we have noted that Request Number 4, which seeks "each pay stub related to each payment made by Respondent to Robert Baumann," appears to be a duplicate of Request Number 2, where we have already provided the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf."

To avoid redundancy and to streamline the document retrieval process, we kindly refer you to our response for Request Number 2, where you will find the document you are seeking. This document includes the necessary information related to Robert Baumann's pay stubs during the specified period.

5. Produce Respondent's No Gossip Policy or any similar policy and/or procedure regarding gossiping, including any documents regarding when this policy was implemented.

RESPONSE: The request for the production of documents, specifically regarding Respondent's No Gossip Policy or any similar policy and/or procedure related to gossiping.

We would like to inform you that the No Gossip Policy, which you have requested, was discussed and implemented at our organization with due consideration for guidelines set forth by the National Labor Relations Board (NLRB). Our intention in crafting this policy was to ensure a productive and respectful work environment, in compliance with the law and the protection of our employees' rights.

The No Gossip Policy was introduced during an employee meeting on 9th August 2022. This policy aligns with the NLRB's rulings and adheres to their guidelines, which we take very seriously. We recognize the importance of allowing employees to discuss work-

related matters, including wages, benefits, and terms and conditions of employment, without interference or discouragement.

To maintain clarity and transparency, our policy clearly is not intended to discourage concerted activity or the discussion of working conditions. It provides specific examples of prohibited conduct, such as abusive and profane language towards another individual not present or in a negative light, to ensure that our employees understand the boundaries of respectful communication.

Additionally, the policy avoids overly broad or ambiguous language, as we understand that ambiguous rules can be construed against the employer. We have taken care to define permissible conduct clearly to encourage a safe and open workplace environment where employees feel comfortable discussing protected activities.

Please see the file labeled “No gossip letter.pdf”.

6. Produce the original documents, including the Word documents, Excel spreadsheets, Microsoft Teams Notes from which such PDF’s originated, with all metadata intact for the following documents you produced in response to the Acting Secretary’s First Requests for Production of Documents: Carson Allman – 4NOV2022 -Termination Letter; Terry Newborn – 4NOV22 Termination Letter; Christine Schreiber Russell Notes; Jim Hoover Russell Notes; Daily Workplace Inspections 1JUNE2022 – 17APR2023; American Tripoli Employee Handbook; Robert Baumann\_American Tripoli Position Offer Letter; and 13OCT2022- Carson Allman – Letter of Reprimand.

RESPONSE: We appreciate your follow-up request regarding the production of original documents, including Word documents, Excel spreadsheets, and Microsoft Teams Notes, along with all metadata intact, for the documents previously provided in response to the Acting Secretary's First Requests for Production of Documents.

As you are aware, we take your requests seriously and have been diligently working to ensure full compliance with your inquiry. It's important to clarify that the documents you have listed, including termination letters, notes, workplace inspections, our Employee Handbook, position offer letters, and letters of reprimand, were provided in PDF format as part of our initial responses.

Regrettably, the documents you requested were initially produced as PDFs, and they were not originally created as Word documents or Excel spreadsheets. Additionally, the information contained in our Microsoft Teams Notes is not stored in a format that allows for direct extraction as Word or Excel documents.

Given the nature of these documents and the format in which they were originally created, we trust that the provided PDFs accurately represent the content and intent of the materials requested. However, if you require any specific information or additional details related to these documents, we are more than willing to assist you in any way possible to address your needs.

7. Produce the training documents you allege were used to provide New Miner Training to Robert Baumann on July 5, 2022.

RESPONSE: In response to your request for the production of training documents related to the New Miner Training provided to Robert Baumann on July 5, 2022.

The New Miner Training for Robert Baumann on July 5, 2022, was documented by Bonnie Bainter, our Safety and Environmental Specialist at the time. Mrs. Bainter followed the established training protocols and utilized a variety of training materials and documents to ensure that Mr. Baumann received comprehensive training in compliance with the required subjects.

It is important to note that during the New Miner Training sessions, trainers like Mrs. Bainter often employ a range of training aids, presentations, and reference materials to cover the necessary topics thoroughly. These training aids and documents may include, but are not limited to, written materials, presentations, handouts, safety guidelines, and other instructional resources. All the training files the company maintains were submitted in the first response files.

Given the dynamic nature of the training process and the need to adapt to participants' questions and specific needs, it is challenging to identify and isolate specific training documents that were utilized during a particular training session. Each instructor may use their own resources that fits best for their class and attendees. Furthermore, our training records encompass a wide array of subjects, which are part of the standard curriculum for New Miner Training, the specific subjects required by MSHA.

While we maintain records of training sessions, including signed forms such as the MSHA 5000-23, we do have a specific set of documents that represents the materials that could have been used during Mr. Baumann's training session on July 5, 2022. The training process is dynamic and customized to address the unique circumstances and questions that may arise during each training session. We would not have a record of the specific questions Mr. Baumann may have asked during the training that may have directed Mrs. Bainter to utilize different training resources.

However, we would like to highlight that Mr. Baumann verified his completion of the documented training by signing the MSHA 5000-23 form, which attests to his acknowledgment of having received the training and his understanding of the subject matter covered during the session on 07/05/2022. This form is a standard practice in our

training procedures, ensuring that employees acknowledge their training and affirm their commitment to safety.

We want to assure you that our commitment to safety and training is unwavering, and we take all necessary steps to ensure that our training programs comply with MSHA regulations and provide our employees with the knowledge and skills required for their roles.

8. Produce documents reflecting the Paid Time Off or vacation leave Baumann had accrued as of April 17, 2023, and any documents reflecting any payments to Baumann for any such accrued Paid Time Off or vacation leave.

RESPONSE: Upon reviewing your request, we have noted that Request Number 8, which seeks "reflecting the Paid Time Off or vacation leave Baumann had accrued as of April 17, 2023", please see document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf."

9. To the extent you are making a financial hardship claim in this case, produce the following financial records for Respondent:

- a. Respondent's state and federal tax returns for the past three years.
- b. Any Tax Form K-1 for American Tripoli from the past three years.
- c. The balance sheets for Respondent, including year-end assets and liabilities of Respondent from the past three years.
- d. Income Statements, showing all revenue and expense items for Respondent from the last three years.
- e. Respondent's most recent auditor's report and footnotes, including details about the methods used to compile the accounting data.
- f. Any bankruptcy petition(s) filed by Respondent.

- g. Chart of the accounts, disbursements ledgers, journal entries, and general ledger, and accounting work papers for Respondent since June 2021.
- h. Documents showing any loans made to owners or managers of the company from Respondent from the past three years.
- i. Transfers of funds from Respondent to related companies or owners from the past three years.
- j. Transfers of funds from Respondent to any entity owned by any owner of Respondent from the past three years.

RESPONSE: In response to Request for Production No. 14 and in accordance with the financial hardship claim made in this case, please note that while American Tripoli is committed to providing the requested financial records, some records may not be immediately available, and the production timeline may vary depending on the complexity and availability of the documents. American Tripoli will make a good-faith effort to produce the requested financial records in a timely manner. If you have any further specific requests or need additional information, please feel free to contact us to facilitate the process.

a. See attached submitted tax returns, labeled “MOSENECAMANUFACTURER LLC - 2021 tax returns.pdf, MOSENECAMANUFACTURER LLC - 2022 tax returns.pdf”

b. N/A

c. See attached, labeled “MOSENECAMANUFACTURER LLC - 2021 Balance Sheet.pdf, MOSENECAMANUFACTURER LLC - 2022 Balance Sheet.pdf, and MOSENECAMANUFACTURER LLC - 2023 Balance Sheet.pdf”

d. See attached, labeled “MOSENECAMANUFACTURER LLC - 2021 Income Statement.pdf, MOSENECAMANUFACTURER LLC - 2022 Income Statement.pdf, MOSENECAMANUFACTURER LLC - 2023 Income Statement.pdf”

e. N/A

f. N/A

g. See attached, labeled “9.g. Chart of Accounts.xlsx”

h. N/A

i. N/A

j. N/A

10. Produce an unredacted, complete copy of Russell Tidaback's Microsoft Teams' communications with Jim Hoover from April 17, 2023 through May 7, 2023.

RESPONSE: Please see the following chat:

April 17

4/17 10:51 AM

Changes made. Hopefully you like them.

Jim Hoover 4/17 12:36 PM



What you mean

4/17 12:53 PM

We are making a change... or have made a change.

Unfortunately, we had to let Rob go today. The data shows he wasn't meeting the daily quotas, or responding to John's suggestions and advice.

So... we are going to change how we operate.

When we get back to producing... probably Wednesday... We will have you run the control room.

YOU HAVE TO UNDERSTAND. the daily quota, per the production schedule is 42k lbs per day.

Some days it's 40k. some days 42k...

We cannot keep pushing production days back, and back, and back...

You won't have to do the computer work...

this will be for the Production Assistant...

The production assistant will be responsible for the administrative computer work. You will need to inform this person on how what was produced, how many bags produced, weights, etc. But this can be communicated via Teams.

or in person

each day

Jim Hoover 4/17 1:10 PM



Wait what are we talking about brother..

Jim Hoover 4/17 1:26 PM



So I'm guessing we are going to come to some sort of negotiation because from a year ago or even from June 15 two years ago I have learned more than you can imagine and worked with John on several projects and I know the mill office and I take maintenance to what needs fixed every time I know the flow of the product and will and can do anything in the mill that you ask and have so I want the mill running like it was a year ago and I know I can get those numbers without a doubt when John and I and RJ was running and I had John sit in the mill and had 20 pallets at lunch, it has been held back so we will need to talk before then, I am very confident and what can be produced at this mill.



Jim, you kill me sometimes with these conversations... I have to assume you are referencing a pay increase.

A promotion in pay should be when you have proven yourself in a certain position.

We gave you a promotion last time to do certain things... and you didnt do so well at all of the expected tasks.

Then we had to hire Rob. We didnt want to take pay away from you so we left you at the \$20 /hr.

Now, we are making changes to accomodate or address your short comings with leadership of people, organization, and lack of computer skills.

You wont be managing people. You wont be responsible for using the computer. You will only be responsible for daily production of product, per the production schedule.

Im not saying that you cannot get a pay increase BUT we need you to be successful in this newly assigned position for you to earn a pay increase.

lets give yourself 12 months in this position, successfully meeting the production calendar quotas, getting product successfully out the door, working with John and the rest of the team, again successfully... THEN we can talk about a pay increase.

Jim Hoover 4/17 5:58 PM



So this 12 months again with the mill production like the last time around it wasn't the problem me running the mill that was the problem brother and you know that and so do I also you didn't fill your side of the deal within 90 days like you said . I let that go because I knew you wouldn't hold up your side of the deal. I always bend over backwards to you and Jordan to help you guys and I. The very first meeting you told us we wouldn't go backwards and that is all that has happen accept the boots you have done that for us better but I just bought a different pair because the ones I got from red wings suck, you said we wouldn't go backwards and my pay has my insurance has nothing has went up my pay should of never went down period you have hired maintenance people after maintenance and then they watch me do there job and they are making more than I am for some reason I shouldn't be making less than what I was 2 years ago now for sure I have learned 10 times what I knew 2 years ago when you bought this company and what have I got for this like you said more I learn the better pay comes with learning I got the little mac air problem.fixed back to where it was after 8 maintenance guys look at it and still didn't fix it I run and go right to the problem everytime boss and do everything that you would expect me to do it as loyal to you guys as they come but damn. I know you don't have money coming in I understand that and you have a scroll not paid for but I go in and give my all to keep hour business going, you taking me out of control room and putting rob in there caused more problems than you realize and I'm sure there will be more to come from that with him. he wasn't going to push to get a high count for you and push the fuck to get caught up there were days he didn't have shit running until I saw something then I would go fix it and then go tell him .

Jim Hoover 4/17 6:06 PM



I have done the mill for a year and I can run it great no questions ask so I think the negotiation that you have just told me isn't correct at all considering the things I do for you and Jordan. im not mad or pissed boss but I do things you don't even know about to keep this place going because one I love my job and two I want this place to be here a whole long ass time after im done and gone you need Saturdays im there you need Sundays I would be there you known will do whatever it takes to get us caught up...

Jim Hoover 4/17 6:12 PM



I'm not arguing with you but we are going to talk about this brother because this isn't a one sided conversation and there why you and I talk and why we are a great team.. I'm not mad or pissed boss but you just assume the worst out of me u guess when we talk.. Rob fucked you over so many times but if I would of told you that you wouldn't of listen to me would you the next one to go needs to be Ronald he calls msha every freaking day and it's bullshit

Worthless

Jim Hoover 4/17 6:19 PM

Anyway I will let you be boss im.sure you are busy, but we need to discuss what you want from me since you just put someone else in there that shouldn't of been there in first place and never lifted a finger to go and find the problem or the solution to fix it.. Anyway I will let you go and we can talk later I have worked with John 7 months and everytime I have ran this mill when rob was gone I got better numbers and know the numbers you want are reachable that is if equipment holds up which I think will just need to get the motor and that would help ten fold

👍 1

Talk to you later brother

👍 1

4/17 6:59 PM

Yep, now out of all that. Prove yourself, and let's get things done.

April 19

Jim Hoover 4/19 8:48 PM

This is some shit boss

👍 1

4/19 8:49 PM

Yes it is!

I am trying my best to get you guys back to work brother.

Jim Hoover 4/19 8:50 PM

If I would of told you this shit was going to happen would you of believed me

4/19 8:50 PM

no, because this should have never happened

what you guys don't see is that we requested an extension...

to resolve these issues when the citation was given to us.

we requested this the day of the citation

Jim Hoover 4/19 8:51 PM

I'm talking as this whole bullshit mega

Msha

Someone that was making it worse

Is what im talking about

4/19 8:52 PM

as we knew it was going to take longer than a week to complete...

what? I don't know what you are referring to.

Jim Hoover 4/19 8:52 PM

Fueling the fire

4/19 8:52 PM

?

Jim Hoover 4/19 8:54 PM

Not getting numbers., licking main down instead of just locking tube mill out. you lock it down we don't run didn't have to lock mains down

Locking mains

4/19 8:54 PM

Are you referring to Rob?

Jim Hoover 4/19 8:54 PM

Yes

4/19 8:55 PM

yea I don't understand that who thing either...

to me, that was dumb on both Rob and the inspector...

there is a whole big case building on on this...

I've already got Senators involved and the heats coming...

they are fucking with your guys livelihood and that is wrong!

this is fucked up

I am fighting every single citation given...

I am doing everything I possibly can to get you guys back to work and us producing...

Jim Hoover 4/19 8:58 PM

Boss I was trying to tell you straight up months ago but you wouldn't of believed me but out of everyone there you should know my loyalty by now

4/19 8:59 PM

I've never questioned your loyalty Jim.

Jim Hoover 4/19 8:59 PM

The dust collector is firing like a mother fucker

👍 1

Like awesome as fuck

I haven't heard it fire that good in long time

Every 24 seconds

4/19 8:59 PM

that's good... now we just need to get past this air sample

as we've discussed before... maintenance has been the problem... since day one!

Jim Hoover 4/19 9:00 PM

Donaldson every four seconds and little mac every five seconds.

We just need the big mac firing I think it needs a memory board

4/19 9:00 PM

MSHA just compounds the problem 10x but not working with us and being fucking dicks

Jim Hoover 4/19 9:01 PM

100% agree

4/19 9:01 PM

This Keith jackass... he gets his jolly off handing out citations....

this fucker is a snake. When he's around, you'd better watch what you say and do...

he is out to fuck you or anyone else he can

Jim Hoover 4/19 9:02 PM

That is bullshit and you tell me how rob test came back the worst and full of shit you know and I know that was done on purpose and he didn't ever get dirty

4/19 9:03 PM

I don't know what was up with Rob. Why was he disgruntled?

Jim Hoover 4/19 9:03 PM

I don't talk to him really msha guy

👍 1



4/19 9:03 PM

I don't get it...

I talked to Rob repeatedly about having the doors and windows open and the exhaust fans on...

I don't understand why he just didn't do as he was told...

John and I had been discussing him and counseling him for months now...

Jim Hoover 4/19 9:06 PM

I will tell you this I have went around behind and have had to turn on green dust collector green air compressor he doesn't turn on in order and that is how shit has got tore up and im being dead serious

That's was a lot of the problem

4/19 9:06 PM

then we had a guy who was suppose to replace him... he was supposed to start Monday and the fucker didn't show up for the training or call or respond to calls... nothing.

I knew Rob was lacking... but didn't know it was that bad.

I don't like letting people go but at some point... you just gotta cut the cord

this is why I think the best thing to do is ha e you in the control room... possibly the 6am-230pm shift like we talked before...

Jim Hoover 4/19 9:08 PM

You can't start the flour elevator first thing man he was doing that I said rob it's going over the screens and screens aren't moving yet he said he was doing it that way I said well your going to fuck it up

4/19 9:09 PM

have a shift lead do all the shipment QC, time keeping, computer work etc...

good point about the flour elevator

that might be why the screens deteriorated so fast...

holding the weight of the cold material...

ripping the edge...

until the system heated up...

Jim Hoover 4/19 9:11 PM

There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take one hour and thirty minutes to clean out it takes 20 minutes period (FACT) .

That is correct

I would go up there and blow of that shit to get what we got

4/19 9:12 PM

Jim Hoover 4/19/2023, 9:11 PM  
There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't...

Yep, I agree. I believe Rob was just being lazy

We will fix this...

I believe we learn from each new person we go through there...

Jim Hoover 4/19 9:13 PM

I was fighting a battle that shouldn't of been there you know

4/19 9:13 PM

Jim Hoover 4/19/2023, 9:13 PM  
I was fighting a battle that shouldn't of been there you know  
I know now...

we are going to try things different now...

Jim Hoover 4/19 9:13 PM  
That's why I would take off running to top floor and unclog shit  
👍 1  
Number one priority shit has to be hot

4/19 9:14 PM

to get better you have to make mistakes and learn from them.

Jim Hoover 4/19/2023, 9:14 PM  
Number one priority shit has to be hot.  
exactly

Jim Hoover 4/19 9:15 PM  
I told him a thousand times rob it has got to be hot if that yellow pipe is not hot you will have problems he didn't understand hot  
👍 1  
I took Jeremy over to pipe said put hand on this you want to know the secret about Tripoli this is it, he said fuck that is hot as fuck I said that's the secret lol

4/19 9:17 PM

I don't think he or anyone else (MSHA fuckers) are understanding that when it's hot, the material flows like water and doesn't create a lot of dust in the air.

Jim Hoover 4/19/2023, 9:16 PM  
I took Jeremy over to pipe said put hand on this you want to know the secret about Tripoli this is it, he said fuck that is hot as fuck I...  
yep... that is the secret!  
but we need to be efficient with the heat... we spend anywhere between \$8k - \$20k a month on natural gas for that heat.

Jim Hoover 4/19 9:18 PM  
That's the difference between rob and me he didn't understand the material or the flow of the product or what breaker fixed what and so on you know you got to know that to run the mill.

4/19 9:19 PM

I don't think he was taking the time to learn it either...

Jim Hoover 4/19 9:19 PM  
Once it gets hot you back down to where the percent can be as low as 60% and still hold best

4/19 9:19 PM


I think he had the best intentions at first but something feel apart. What? I don't know.

Jim Hoover 4/19 9:19 PM  
Heat

4/19 9:19 PM

Jim Hoover 4/19/2023, 9:19 PM  
Once it gets hot you back down to where the percent can be as low as 60% and still hold best  
yep, I agree.  
If we make it through this MSHA bullshit and get back to producing... part of our plans before it gets cold again is to enclose the classifier elevator etc outside...  
To retain the heat when it's cold outside...  
this winter was a bitch...

Jim Hoover 4/19 9:21 PM

 Jeremy is smart as hell to fixing shit and working on it for real I like the hell out of him we worked on dust collector today sharp he worked out on oil rigs where my brothers did but at different times

Boss I will be honest with you if you don't mind me saying

4/19 9:22 PM

That's cool, I like him too, I just hope he isn't a sprinter and can keep up the work ethic for the long haul


Jim Hoover 4/19/2023, 9:22 PM

Boss I will be honest with you if you don't mind me saying

yes, this is a private chat, I always want you to be honest with me.

I may not do as you say or think that I should do but I do appreciate your input.

Jim Hoover 4/19 9:24 PM

 We never EVER took days off because cold its been below zero and the shit ran just fine we just have to have people get their earlier and tube mill running early to get hot

We have got to get the dry insulated this summer at some point

4/19 9:25 PM

I do not like to make decisions solely based on my opinions, I want feedback so I can make the best decision I can

Jim Hoover 4/19/2023, 9:24 PM

We never EVER took days off because cold its been below zero and the shit ran just fine we just have to have people get their earlier...


I agree


Jim Hoover 4/19/2023, 9:25 PM

We have got to get the dry insulated this summer at some point


I agree... the maintenance team and John are discussing it.

Jim Hoover 4/19 9:29 PM

 I promise you we do not need to shut down if its below 45 that's crazy talk the tube mill needs to be running everyday possible including Saturdays tell these orders are caught up my opinion just saying Sundays if need be but these customers have waited long enough damn brother 6 months who is going to wait 6 months from something to be delivered from Amazon NO ONE!! SO Let's get this shit out the door

 1

That's what I think about all this bullshit going on

 1


Jim Hoover 4/19 9:40 PM

 Boss the palletizer I know you don't like it because old and all but less than a year ago I packed and put 140 bags a hour on myself that's why I know the numbers, also I will tell you this if we stack five highs on the palletizer two people would have to be down there and I would have to stop bagging because they couldn't keep up man couldn't keep up with the machine so I know 100 percent that is not the problem yes it's old but that bitch will run you just have to love on her you know

4/19 9:47 PM

its not that I dont like the palletizer... its just hard to get replacement parts for,


Jim Hoover 4/19 9:49 PM

 She will run if we take care of her

4/19 9:49 PM

Just like this motor... there were none available when ours went bad. There was one available but no gear...

Jim Hoover 4/19 9:49 PM

 Just like tube mill it will last as long as we take care of her you know



4/19 9:49 PM

I have found a couple but they are the 3HP and not the 5HP.

Jim Hoover 4/19/2023, 9:49 PM  
Just like tube mill it will last as long as we take care of her you know

I know... the problem since we bought the company has been maintenance personnel.

plain and simple

Jim Hoover 4/19 9:50 PM

Jeff had one ordered but not sure where he had it ordered from

Correct

Motor for palletizer

4/19 9:51 PM

we have a good team now... we just need to get through the MSHA BS... understand WHY I tell you guys to do the shit on the board in the breakroom....doors and windows...

and get back to producing...

It isnt that we dont have Sales... we have plenty of sales...

we just cant seem to get a break on the production side.

Jim Hoover 4/19 9:52 PM

Oh I know we could have more if you open the flood gates

👍 1

4/19 9:52 PM

Common sense would tell you... no product going to the customers means no money coming in to replace equipment, parts, etc

Jim Hoover 4/19 9:52 PM

But producing is killing us and msha

I agree

4/19 9:52 PM

Jim Hoover 4/19/2023, 9:52 PM  
Oh I know we could have more if you open the flood gates

OH YES WE COULD!!!

This is why we need to follow the instructions given... to make sure MSHA stays off our back

so we can produce...

Jim Hoover 4/19 9:54 PM

I know your philosophy I believe you that's why im still here

4/19 9:54 PM

but think about it... we have been through a lot of people this past year...

Jim Hoover 4/19 9:54 PM

To many

4/19 9:54 PM

you are our most experienced person...

you cant run the entire show off of one persons experience.

Jim Hoover 4/19 9:55 PM

I know I have learned that one loud and clear

4/19 9:55 PM

This is why its good that Patrick has hung around, John has hung around, Max...

we need RJ to stick around and work

Jim Hoover 4/19 9:55 PM  
 I was showing pat the control room 2 weeks ago and the flow of things  


4/19 9:55 PM  
 we need Ronnell to mature some, grow up and hang around  
 We need Jessie to hang around and do his part...

Jim Hoover 4/19 9:56 PM  
 He needs to stop calling MSHA.

4/19 9:56 PM  
 EVERYONE needs to stop calling MSHA.

Jim Hoover 4/19 9:56 PM  
 No shit  
 Pisses me off.

4/19 9:56 PM  
 I cannot terminate Ronnell just because he has called MSHA.

Jim Hoover 4/19/2023, 9:56 PM  
 Pisses me off  
 Me too!

Jim Hoover 4/19 9:57 PM  
 I have been there along time and never have called them  


4/19 9:57 PM  
 He will either get on board on he will get fired.  
 I know Ronnell is looking for work elsewhere...

Jim Hoover 4/19 9:58 PM  
 I will go for second one one  


4/19 9:58 PM  
 I see his FB posts and even called him out on it.

Jim Hoover 4/19 9:58 PM  
 What you mean  
 LAZY LAZY LAZY BAD  


I was wrapping ten highs today and he wouldn't even do that he thought to high I guess so I said I will do it if your worried about it

4/19 10:00 PM  
 he's such a pussy.

Jim Hoover 4/19 10:00 PM  
 I'm saying lazy he was in break room a lot

4/19 10:01 PM  
 Let john know... so John can counsel him and we can let him go

Jim Hoover 4/19 10:01 PM  
 I heard him say I wish dozer would get fixed

4/19 10:01 PM  
 He doesnt know it yet but we have a new quarry guy starting Monday.. Ronnells dozer days are pretty much done for a while

Jim Hoover 4/19 10:01 PM  
 I already did today he saw him in there eyes shut im pretty sure to me he is dead weight  
 Don't need him don't want him but I will make him or break him I will give him a chance and see if he can step up to plate  
 Like I always tell you I know who the next one will be brother



4/19 10:04 PM

Share with John your thoughts and what you see, in private of course.

I have no problem letting go dead weight.

Jim Hoover 4/19 10:05 PM

I always talk to John I really respect John damn good man

We talk in private a lot brother

4/19 10:05 PM

we just have to do the right process and the right thing. Counsel him and then let him go.

Jim Hoover 4/19/2023, 10:05 PM

I always talk to John I really respect John damn good man

I agree and that is good you guys talk.

Jim Hoover 4/19 10:05 PM

Our daughters are same age

4/19 10:06 PM

I didnt know that.

Jim Hoover 4/19 10:06 PM

He calls his daughter Button lol

🤔 1

Boss im telling you if that palletizer was going and msha wasn't on our ass being dicks I would gamble and say the equipment is at point when we would be running over 60K or better I haven't been able to talk to you but after I got the little mac suction going it takes longer that fuck to get the socks to fill-up on flour elevator

4/19 10:11 PM

yep, we will get there.

Jim Hoover 4/19 10:11 PM

I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact it is doable

4/19 10:12 PM

I too believe that we will start doing really well once we get past this MSHA BS. This shit has been going on with them since January...

Jim Hoover 4/19/2023, 10:11 PM

I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know f...

That was the deciding factor for John and I to terminate Rob.

Jim Hoover 4/19 10:12 PM

Yes it's costing me money and I don't like that

4/19 10:13 PM

Yes, it is! It really is...

Jim Hoover 4/19 10:14 PM

Oh shit my bad doesn't mean for him to look bad I just ran it like I do there is no other way to run it accept full throttle

I didnt mean to make him look bad I mean

4/19 10:14 PM

Nope... John and I were discussing Robs issues a long time ago... we just didnt know how to approach it.

You just put the icing on the cake.

Jim Hoover 4/19 10:15 PM

Oh shit

4/19 10:15 PM

It had nothing to do with you.

We knew there needed to be change but wanted to give the guy an opportunity to fix the issues we were seeing.

He didnt make improvement and... got terminated,

Jim Hoover 4/19 10:16 PM

I mean I had to tell him to put rock in to charge tube mill it was below 50 I said damn man we got to charge this

4/19 10:16 PM

yep, thats why he is no longer with us.

Tomorrow is a new day

Jim Hoover 4/19 10:17 PM

Yes sir

So are we going to do Saturdays or what's your game plan after this horse shit with msha when can we start running production

Jim Hoover 4/19 10:26 PM

Tomorrow is a new day also attitude is 95% of how your day is going to turn out good or bad, have good attitude have great day have bad attitude have bad day try learning something new everyday challenge yourself and things will be okay I have learned one day at a time brother

Sometimes hour by hour lol

4/19 10:26 PM

So... for the next two days we are only allowed to run to make repairs and adjustments to the filtration systems and the engineering controls (windows, doors and exhaust fan)

We will run as normal, get the system hot, produce and bag as instructed by Jessie and John.

Jim Hoover 4/19 10:27 PM

Good or bad we are in it together so let's just get this shit done and go sit on the beach

Sounds good to me

4/19 10:28 PM

We will need to stop the feed at noon, let maintenance do their checks, adjustments, and any repairs needed. Then we will start the feed again and produce until 3:30 as normal, shut down, let maintenance do their checks, adjustments, and any repairs needed.

and repeat Friday.

Jim Hoover 4/19 10:31 PM

Okay wait a second I was told we are doing a whole lot of cleaning tmrw so we are running from 8-12 then let them do there things then run tell 3:30 ?

4/19 10:31 PM

just follow Johns guidance tomorrow.

Jim Hoover 4/19 10:31 PM

Okay

So did you get assholes to let us take locks off yet

Msha I mean lol

4/19 10:32 PM

tomorrow morning...

Jim Hoover 4/19 10:32 PM

Good deal

So hopefully they will be there at 7:30

So msha said the control room doesn't have to have one of the new breathing things on when MSHA called Jessie this morning I had him ass them that and they said we didn't have to have on in mill control room break room or bathroom

Ask lol

4/19 10:37 PM

no, its based on position not people... so the bagger, palletizer and forklift driver...

dumb I know.

Jim Hoover 4/19 10:40 PM

Keith said the bagger would never pass one I call bullshit on that I have been studying that out if we put a bigger fan up where it would blow from the east to west up high blowing at angle down the bagger person would not get any of the dust because we get a little bit so if we could do that I think that would be a game changer for that spot you know

4/19 10:40 PM

Keith is a jackass...

Jim Hoover 4/19 10:40 PM

That is what rob said Keith said he didn't tell me that because I would of said bullshit to him

👍 1

4/19 10:40 PM

I pesonally... would just stay away from that guy. Intentionally, stay away

Jim Hoover 4/19 10:41 PM

Oh I know he thinks he is something

He has rob in back pocket

👍 1

Jim Hoover 4/19 10:48 PM

Well brother im going to get off here, I will talk to you tmrw brother at some point. Hopefully goes good tmrw, we need to get like 20 more double stacked pallets wrapped they were doing a pallet at a time not picking up the double stacked and setting up there to wrap. I said what are you doing pick the shit up and go guys come on.. They are afraid they will fall I said that is why when you double stack you make them straight and on top of each other perfect so you can double stack and wrap them together..

👍 1


Also did you see the picture on mill group chat in the green dust collector I put in there

4/19 10:49 PM





Jim Hoover 4/19 10:50 PM



👍 1

4/19 10:50 PM  
I dont know what that is.

Jim Hoover 4/19 10:51 PM

Those bars running across there with the holes facing down into the socks

That's the bars on side that hold them up they are all rusted out bad and one of those bars falls out of the slots

4/19 10:52 PM Edited  
You'll need to show Ryan/Jeremy

Jim Hoover 4/19 10:53 PM

Jeremy and I were discussing it today when we were up there

👍 1

I just wanted you to be aware of it to put your thinking cap on about what you think you would want to do with it if that is replaceable at some point

I'm sure Jeremy can design something he is pretty awesome at that shit he is by far better than anyone you have had in past as far as hands on and getting shit done ten fold

April 20

4/20 7:29 PM  
Better day?

April 28

Jim Hoover 4/28 8:49 AM

We are rolling

👍 1

4/28 8:50 AM  
Hey hey brother... let's do good things okay. Have a good day

Jim Hoover 4/28 8:50 AM

No dust either

👍 1

We will boss

👍 1

I gotcha you

4/28 8:51 AM  
We need you to make that place rock and roll. I need the justification since Robs complained to MSHA about being let go...  
just need you to put the cherry on the cake that's all.

Jim Hoover 4/28 8:58 AM

Alright I will do my best we are rocking I haven't shut feed off yet and socks are still down so that's good

👍 1

4/28 8:59 AM  
RJ & Patrick bagging?

Jim Hoover 4/28 9:01 AM

Yes sir



4/28 9:02 AM

pretty steady?

Jim Hoover 4/28 9:02 AM

Yes sir



Im going to put load of rock in Saturday or Sunday going to have Rj jhelp me

Also still feeding socks still down whoop whoop

Jim Hoover 4/28 10:09 AM

8 ,000 pounds first hour



Jim Hoover 4/28 12:26 PM

On pallet 15



4/28 12:56 PM

Make sure to share this info in the Mill Group Chat.

Keep your and I chat as personal private.

Jim Hoover 4/28 1:38 PM

Ok

Jim Hoover 4/28 10:10 PM

Hey Brother how was your day

4/28 10:10 PM

Good and you?



Jim Hoover 4/28 10:11 PM

Oh well , not to bad

I think you will be happy with the number we got for today

4/28 10:12 PM

I heard... 52k lbs. Fucking ridiculous!!!!


Jim Hoover 4/28 10:12 PM

No we got 56



28 pallets

4/28 10:13 PM


Oh shit. that's awesome!

Jim Hoover 4/28 10:13 PM  
 Not to bad, ran like gravy


4/28 10:14 PM  
 That's awesome. You feel good about that.

Jim Hoover 4/28 10:15 PM  
 Not one over flow or anything  
 1  
 Oh well we could of done a couple things different . but first day we for sure are moving in right direction



4/28 10:17 PM  
 Like what?

Jim Hoover 4/28 10:21 PM  
 we just need another body out there because I packed 99% of the bags and ran the mill but I temped out a couple of times when I was bagging it kicked out, but the other person would be labeling and wrapping because they didn't get labeled or wrapped yet  
 But I'm not complaining for first day they did pretty good.




4/28 10:22 PM  
 I agree. Hopefully by next week. 2 peeps applied today so that's good...

Jim Hoover 4/28 10:23 PM  
 For sure . John helped out a lot and so did Jeremy


4/28 10:23 PM  
 that's good.

Jim Hoover 4/28 10:27 PM  
 Jeremy stacked for me , he went over to yellow air pipe and felt pipe and goes damn . I said now you know secret to tripoli now .  
 1  
 He couldn't believe the difference in flow  
 1


4/28 10:28 PM  
 yep...gotta be hot to flow

Jim Hoover 4/28 10:28 PM  
 He is damn good maint.  
 1  
 Ryan I think is great in his own way  
 1  
 As well


4/28 10:29 PM  
 Me too. He's just quiet

Jim Hoover 4/28 10:29 PM  
 He is more electronic and Jeremy more hands on get shit done  
 1  
 Well maybe at first lol  
 We would of Dust test today boss  
 100% for sure  
 The environmental lady came by did you hear about this


4/28 10:33 PM  
 Yep from what I understand she was very pleased as well

Jim Hoover 4/28 10:33 PM  
 Yes sir


4/28 10:34 PM  
 Jim Hoover 4/28/2023, 10:31 PM  
 We would of Dust test today boss  
 all good, leta just repeat that one Monday

Jim Hoover: 4/28 10:36 PM  
 We would of passed the Dust Test I mean . For sure will do as well or better


4/28 10:36 PM  
 Yep, we will get it monday

Jim Hoover: 4/28 10:37 PM  
 The low bin light didnt come on one time before noon .



4/28 10:37 PM  
 Hmmm...

Jim Hoover: 4/28 10:41 PM  
 Boss have good evening just wanted you to have some positive things from here I'm sure it has been awhile you know . also just wanted to thank you and Jordan for the paychecks im sure you haven't heard that in awhile but appreciate you guys hanging in there for me but us as a team .


4/28 10:41 PM  
 Brother, it's been tough. But we will get better  
 have a good night

Jim Hoover: 4/28 10:47 PM  
 Thank goodness you two are tougher than the situation you know .


4/28 10:48 PM  
 I'm glad you think so. I dont do failure very well...

Jim Hoover: 4/28 10:53 PM  
 I have noticed that lol ... As Im not a person that gives up and just quits when times get rough  
 1

May 1


Jim Hoover: 5/1 5:07 AM  
 Hey I can text you private brother it's locked on adm. Side and mill side under mine anyway


5/1 6:28 AM  
 Did you call John?

Jim Hoover: 5/1 6:04 PM  
 Hey Brother

5/1 6:33 PM  
 What's up.

May 2


Jim Hoover: 5/2 9:12 AM  
 Hanger Be'ing out on scroll bringing all the dust collector product in saw when doing walk thru this morning Jeremy is fixing it now . we have product coming out of finish pipe on outside from fourth floor socks one must have hole in it but blowing product out of it .

Jim Hoover: 5/2 6:16 PM  
 Hey

Where is it to where I can text you private

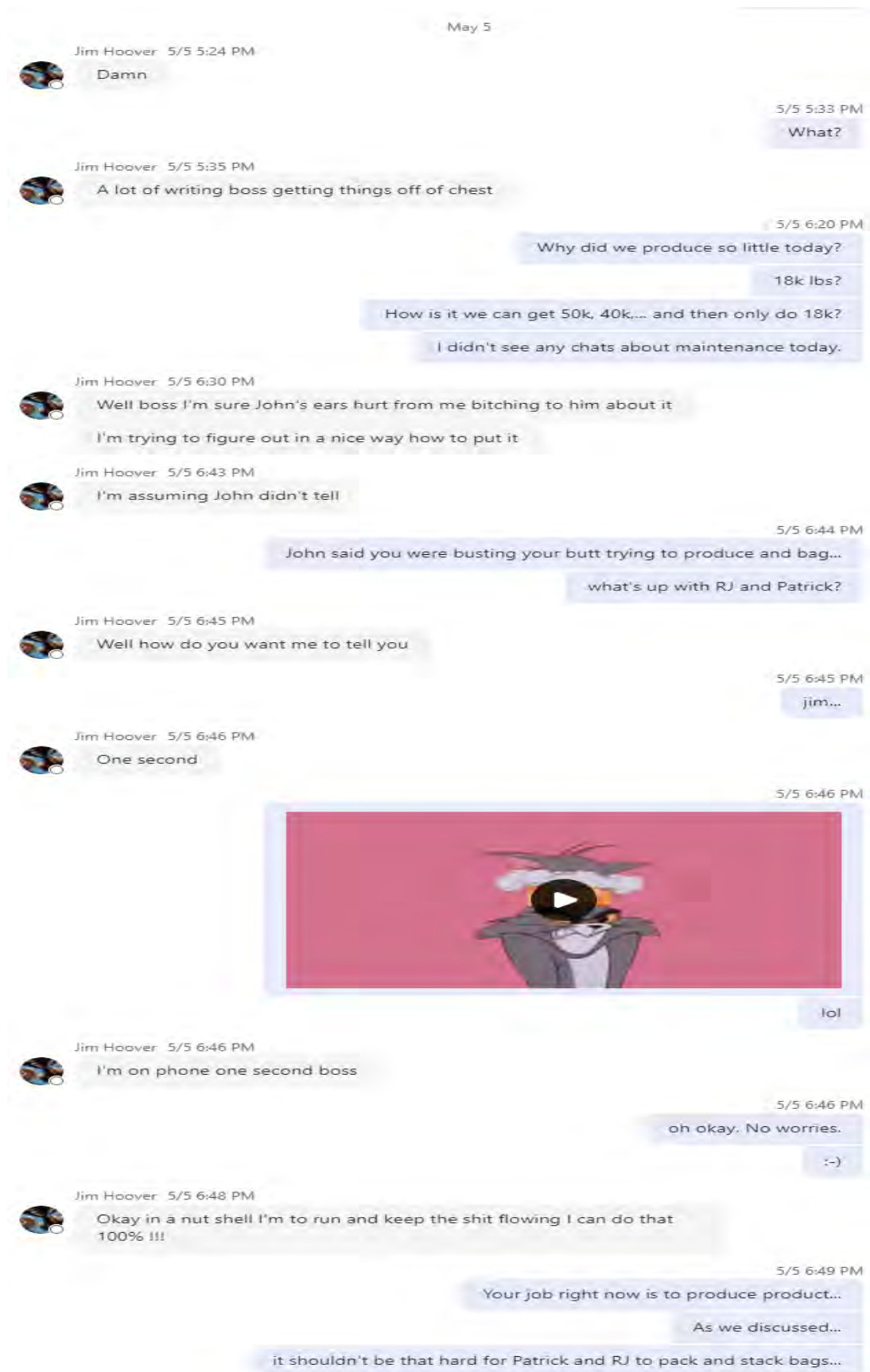
5/2 7:30 PM  
 This is private, Just me and you.

May 3

Jim Hoover: 5/3 8:52 PM  
 Hey boss

5/3 10:16 PM  
 What's up







Jim Hoover 5/5 6:49 PM  
 What I have a problem doing is I haven't to do the control room , then I go and pack bags , then I go hand stack then I go wrap the fucking pallets  
 I can't be in four places at once

5/5 6:49 PM  
 that's exactly what John said...

Jim Hoover 5/5 6:49 PM  
 I'm not cussing at you  
 1

5/5 6:50 PM  
 you can't do it all

Jim Hoover 5/5/2023 6:49 PM  
 I'm not cussing at you  
 I know. I'm not taking it that way.

Jim Hoover 5/5 6:50 PM  
 But I know boss but if you need a number it's my job to make sure it's done

5/5 6:50 PM  
 I'm upset with RJ and Patrick

Jim Hoover 5/5 6:50 PM  
 You don't know how pissed I am

5/5 6:50 PM  
 Jim Hoover 5/5/2023, 6:50 PM  
 But I know boss but if you need a number it's my job to make sure it's done  
 yep and I'm not faulting you.

I just don't understand...

Jim Hoover 5/5 6:51 PM  
 At 3oclock I shut it off  
 1

5/5 6:51 PM  
 what's up with these two guys...  
 I don't understand...

Jim Hoover 5/5 6:53 PM  
 Because I was wasting your money by running product then going out and bagging 4 bags then running around over there and stacking them so I said fuck it and I went and staged SO-323 A,B they are ready and weighed

5/5 6:53 PM  
 I guess we're are going to have to hire some contractors...

Jim Hoover 5/5 6:54 PM  
 They were pissed about there hours

5/5 6:54 PM  
 if RJ and Patrick pull this BS Monday, they are done.  
 what about their hours?

Jim Hoover 5/5 6:54 PM  
 John had a talk with them I think

5/5 6:54 PM  
 they were offered to work this weekend and turned it down.

Jim Hoover 5/5 6:54 PM  
 I was staging the orders

5/5 6:55 PM  
I can't help people who don't want to help themselves

Jim Hoover: 5/5 6:55 PM  
And I'm going to work tmrw

5/5 6:55 PM  
you can't go in by yourself

Jim Hoover: 5/5 6:56 PM  
I have got to get some room people fucking run into pallets some how  
fn stupid  
I know that boss  
👍 1  
You think I'm new hire lol  
👍 1

5/5 6:56 PM  
Make sure you work it out with John

Jim Hoover: 5/5 6:57 PM  
I already told him I will call him later I was pissed

5/5 6:57 PM  
PLUS... gotta wear that fing mask

Jim Hoover: 5/5 6:57 PM  
Only if we are running  
No machine is running

5/5 6:57 PM  
oh that's right...  
you are right.

Jim Hoover: 5/5 6:57 PM  
I think John and myself could run more by ourself

5/5 6:58 PM  
I agree  
I don't understand what up with Patrick. Do you?

Jim Hoover: 5/5 6:59 PM  
I get it they are tired of stacking I get it but they go to break lunch or  
whatever and they watch me go in control room keep in running go  
and put bags on them go stack them and move them with fork truck so  
tell me what the fuck is wrong with this picture brother  
I'm 50 and out work these two figure this one out

5/5 7:00 PM  
Yeah I don't understand where the laziness comes in...

Jim Hoover: 5/5 7:00 PM  
In a nut shell that is why we only got 18 john wasn't there to help me  
with the control room  
But also I kept on having to go in control room because the product  
was damp or was different than normal and temperature dropped fast  
as shit you know  
Not making excuses for this just telling you

5/5 7:03 PM  
oh yeah I understand...  
I just don't understand wtf is up with these two guys...  
we have the palletizer motor on order...

Jim Hoover: 5/5 7:04 PM  
I know my job is to produce what you need me to do but am I to tell  
them to speed the fuck up or what I know what you ask of me as to  
keep the shit going if I just do that it will be on the floor  
👍 1

Jim Hoover 5/5 7:04 PM

I know my job is to produce what you need me to do but am I to tell them to speed the fuck up or what I know what you ask of me as to keep the shit going if I just do that it will be on the floor

👍 1

5/5 7:04 PM

we can make them ship it any fmg faster...

you are doing fine... just keeping working with john...

Patrick and rjs days are probably done.

if they don't want to work then we will just get rid of them.

I told John to have a talk with all the guys...

on Monday morning

Jim Hoover 5/5 7:06 PM

Good deal...

5/5 7:06 PM

it's everyone's responsibility to ensure product gets produced and out the door...

if this doesn't happen everyone's job is in jeopardy.

too simple

Edited

we will replace those that don't want to work with the rest of the team

Jim Hoover 5/5 7:07 PM

I know without a shadow of doubt we can produce more than 50 thousand

👍 1

If we can just hang in there tell that motor

5/5 7:07 PM

I believe we can too... just need the right people with the right attitudes

the motor or palletizer shouldn't be the crutch...

I'm sure the motor will be delivered next Thursday, I believe

Jim Hoover 5/5 7:10 PM

I think there is other issues going on also

5/5 7:10 PM

What issues?

Jim Hoover 5/5 7:10 PM

If it was Rj and myself it's good

If it's pat and myself it's good

5/5 7:10 PM

??

RJ and Pat don't get along?

Jim Hoover 5/5 7:11 PM

But it's like those two together it's like pat and Landry if you get what I'm saying

Yes they get along to good



5/5 7:11 PM

??


Jim Hoover 5/5 7:11 PM

It's like if me and you are working we get shit done right


👍 1

Jim Hoover 5/5 7:11 PM  
 It's like if me and you are working we get shit done right  
 1



5/5 7:12 PM  
 who's making who lazy?  
 who's the bad seed?

Jim Hoover 5/5 7:13 PM  
 No grab assing just work right that is not the way it is if they are together


5/5 7:13 PM  
 or should i ask... who's next jim?  
 lol  
 50 = 50 guess or???


Jim Hoover 5/5 7:14 PM  
 That's funny shit  
 Well I will say this I could tell you that

5/5 7:15 PM  
 but...???  
 what's your guess?

Jim Hoover 5/5 7:15 PM  
 It's no guess  
 1

5/5 7:16 PM  
 I gotta run here in a few minutes...  
 who do you think "is next"?

Jim Hoover 5/5 7:18 PM  
 But If I tell you something you can not do anything about it , also you don't pay me enough to put up with this bullshit that happen I will talk to you in a bit boss text me when you are done  
 I'm serious  
 Text me later okay

5/5 7:19 PM  
 Tell me now... I'll be out for a couple of hours... probably after midnight.  
 You've got my attention... what's up?  
 jim???  
 Playing games huh???  
 unprofessional...  
 you don't end a conversation that way  


May 6

5/6 12:24 AM  
 So???



5/6 9:21 AM



May 7

Jim Hoover 5/7 1:31 PM



Hey sorry boss

5/7 1:32 PM

lol...slacker. 🤔

Jim Hoover 5/7 1:32 PM



I will take care of the situation brother

5/7 1:32 PM

How was your weekend?

What was/is the situation?

Jim Hoover 5/7 1:36 PM



Oh same as always doing some things with Kennedy she walked up to me Saturday morning and gave me this

5/7 1:36 PM

So cute!

Girls will always love their dad!

Jim Hoover 5/5/2023, 7:18 PM

But If I tell you something you can not do anything about it , also you don't pay me enough to put up with this bullshit that happen...

Jim Hoover 5/5/2023, 7:10 PM

I think there is other issues going on also

What issues are you referencing?



Jim Hoover 5/7 1:40 PM

And this with a bracelet it was good I never think I'm doing enough for her that's for her we go on long walks in evening I got that good advice from you and Jordan and you don't think I listen to you.

👍 1

Well the Friday thing that was a problem

5/7 1:41 PM

just like planting a seed. If you take care of it while its young then it will grow bountiful.

the time you spend with her now, will pay off in the long run.

sometimes its hard to see but the simple things matter the most.

TIME/memories is more important than any object that can be bought.



Jim Hoover 5/7 1:43 PM

Pat is going thru some shit not good but we had a talk Saturday I can't go into detail because I just can't it wouldn't be a good thing but he surprised me after the fact of what happen but long story short I will nip it in the bud

👍 1

True story

Boss this MSHA thing can I speak to you freely without you thinking I'm on there side because I'm not I always tell you what I hear

Those other guys think I'm a company man , if you want to call me that for doing what I do then I guess I am but I know that you ask of me to get a certain number and I know how to do that and she happens and I'm pushing them to get there ass in gear and I'm going out there and packing bagging and hand stacking and fork trucking pallets because I know if I don't go out and do that it will over flow that's how I run it I don't shut it off tell it can't handle no more you know but the shit is hot and I can't touch the yellow pipe you know

5/7 1:57 PM

Its not necessarily a MSHA thing or a "company man" thing...

hear me out...

Do you remember me talking with you a long time ago about Robs general negative attitude about everything?



Jim Hoover 5/7 1:58 PM

I didn't read the book on it rob telling them something and it not being true brother

Oh I know

You didn't have to tell me I worked with him

Or around him more less

5/7 1:59 PM

Well, IMO, this attitude bled over to RJ and I do believe Carson and Terry... then Patrick, and probably Gage too

John and I both spoke to Rob about it many times...



Jim Hoover 5/7 2:00 PM

I had to go behind and fix shit

5/7 2:00 PM

he wanted to blame you guys all the time about not being able to get things done

stupid things like... cleaning the bathroom.

He lacked leadership skills



Jim Hoover 5/7 2:01 PM

I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer

Jim Hoover 5/7 2:01 PM

I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer

I agree

5/7 2:01 PM

I told him he needed to get use to reading online books

he told me he didnt like reading online

he was advised to take some leadership classes online...

I gave him plenty of resources to read about.... plenty of free classes

Jim Hoover 5/7 2:02 PM

Oh wow

5/7 2:02 PM

Then the whole MSHA thing in February...

Jim Hoover 5/7 2:02 PM

Oh he fucked us over on that deal sorry for cussing

5/7 2:03 PM

thats when Rob started to really buck back against what John was telling him to do

Jim Hoover 5/7/2023, 2:02 PM

Oh he fucked us over on that deal sorry for cussing

Oh I know...

again... we had to prioritize things...

Jim Hoover 5/7 2:03 PM

He was yelling at john alot screaming

5/7 2:03 PM

we were constantly looking at how to replace him

Alex was being trained to replace Rob...

then Alex quit

Jim Hoover 5/7 2:04 PM

Wow

5/7 2:04 PM

We thought Kensley could...maybe... but she didnt work out either...

so, then we hired this last guy... what a f-ing hassle

We have requested MSHA to give us an exception to policy and let us fall under the Part 46 training requirements...

that way we would just have to provide 4 hours of initial safety training and then have the guy start working...

this way if he/she decided it wasnt for them we werent out the 3 days paid training AND the \$250 - \$400 instructor expense for EACH new hire.

MSHA is f-ing choking us out...

Rob's issues go way back, even before starting days...

Christine wanted to replace him...

Jeff didnt like him

Jessie didnt either...

Carson thought Rob was lazy

Jim Hoover 5/7 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother



5/7 2:09 PM

Rob's problem was he didn't want to take the advice of anyone else and thought he knew it all.

Jim Hoover 5/7/2023, 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

Oh I know...

and now...

that he has made a friend at MSHA... Keith... Robs a fool to think Keith is his friend.

Im just glad Rob is gone. That was a longggg time coming.

Jim Hoover 5/7 2:12 PM



Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after the third day there when he started he told my guys I didn't know anything . and then he comes and ask me shit 2 seconds later I just blew it off

5/7 2:12 PM

August of last year. Christine was telling me we need to replace Rob.

Jim Hoover 5/7 2:13 PM



I could of told you boss but you wouldnt of believed me

5/7 2:13 PM

Jim Hoover 5/7/2023, 2:12 PM

Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn afte...

yea, he was full of himself. I could see it back when we were having screen problems...

Jim Hoover 5/7/2023, 2:13 PM

I could of told you boss but you wouldnt of believed me

Its not that... its there are a lot of other pieces moving behind the scenes too

Jim Hoover 5/7 2:14 PM



I see these people come and go brother

Everyone of them

5/7 2:14 PM

See, im having to now fight MSHA because Rob thinks he was discriminated against

Jim Hoover 5/7 2:14 PM



I can tell you in the first 2 days if they will make it because of all the hear say bullshit



5/7 2:15 PM

I just dont understand why they cant just do what they are asked to do...

Jim Hoover 5/7 2:15 PM



Well probably are to lazy mother fuckers I can't stand shit like that



Lol

Do you want to know what he told me

5/7 2:16 PM

I just hope Patrick and RJ arent too infected by his BS

Jim Hoover 5/7/2023, 2:16 PM

Do you want to know what he told me  
whats that?

Jim Hoover 5/7 2:17 PM



That you wanted to fire me long ass time ago then when Sara was here he told me again



That you told him this

5/7 2:17 PM

Jim Hoover 5/7/2023, 2:17 PM

That you wanted to fire me long ass time ago then when Sara was here he told me again

uh, no Rob and I were never that close...

Jim Hoover 5/7 2:17 PM

I said well it's his company to do with what he feels will help the company

I didn't lose any sleep over it brother

5/7 2:18 PM

I have only mentioned letting you go when you were having feet problem and not showing up to work as scheduled.

As ive told you before, its not personal

Jim Hoover 5/7 2:18 PM

I know I got a new pair of boots by the way lol

A lot better now.

5/7 2:19 PM

I like you. or we wouldnt be chatting like we do...

Jim Hoover 5/7 2:19 PM

I know.

5/7 2:19 PM

Jim Hoover 5/7/2023, 2:18 PM

I know I got a new pair of boots by the way lol about time.

did you get to see a foot Dr?

Jim Hoover 5/7 2:19 PM

Wolverines

👍 1

I went to Dr. Just the one in Seneca

👍 1

5/7 2:19 PM

Hey if thats what you like... then thats your decision

Jim Hoover 5/7 2:20 PM

Witch doctor

👍 1

5/7 2:20 PM

Gotta take care of those feet.

Jim Hoover 5/7 2:20 PM

That's why the young guys can't keep up with me boss.

She gave me witch med.

👍 1

5/7 2:21 PM

the younger guys just didnt have a good upbringing in my opinion... the work ethic isnt there for most of them.

Jim Hoover 5/7 2:21 PM

I feel no pain

❤️ 1

That's a fucking fact AMEN AMEN AMEN PREACH IT.

👍 1

5/7 2:22 PM

So...

Jim Hoover 5/7 2:22 PM  
so what are we looking at how far down

5/7 2:22 PM  
Dude... we are REALLY behind...

Jim Hoover 5/7 2:22 PM  
4 months

5/7 2:23 PM  
no, more like 5 1/2 months behind

Jim Hoover 5/7 2:23 PM  
Is that about right

Oh shit 6months half a year

5/7 2:23 PM  
put in an order today and it gets scheduled for mid-september

yep, pretty much

AND that is with NO SALESMEN!

Jim Hoover 5/7 2:24 PM  
We were only down 4 when I was in mill we were catching up

5/7 2:24 PM  
just repeat business

Jim Hoover 5/7 2:24 PM  
That won't work

5/7 2:24 PM  
Jim Hoover 5/7/2023, 2:24 PM  
We were only down 4 when I was in mill we were catching up  
we will get there....

Jim Hoover 5/7 2:24 PM  
Yes, we will

5/7 2:24 PM  
it takes time... now, just as before, we need people to stay and just work...

thats it.

We have to keep MSHA off our back....

keep the maintenance team happy

keep production pumping... EVEN when we are tired.

I want to replace the palletizer...with a robotic one but we have to catch up...

the schedule is FULL everyday.

we can have these half-ass days....

each day, the minimum is 40k lbs.... per the sales orders....

that is what we have scheduled for...

just 40k lbs

Jim Hoover 5/7 2:27 PM  
Boss I have done 140 a hour on palletizer find the parts and I will make it run 100 run great on it swear

5/7 2:27 PM  
if we do 50k, hey thats great

The palletizer motor will be here this week.

Jim Hoover 5/7 2:27 PM  
We don't have all pieces it though

5/7 2:27 PM  
the guys just need to know and take care of it when it is working...

Jim Hoover 5/7 2:27 PM  
For it though

5/7 2:28 PM  
you talking about the gear?

Jim Hoover 5/7 2:28 PM  
Yes and break

5/7 2:28 PM  
this isnt just any motor... its the same one that came off of it...

Jim Hoover 5/7 2:28 PM  
And another piece I heard

5/7 2:28 PM  
there is only one like it being sold...  
the palletizer is old  
thats why it took so long to get...  
the old one we have at CEMCO is/has been rebuilt

Jim Hoover 5/7 2:29 PM  
I know but john said there is parts on the other one up there that he needs for the motor

5/7 2:29 PM  
we are working with CEMCO to get the gear...  
the gear isnt the problem... its the motor  
the motor manufacturer has an 18-month backlog...

Jim Hoover 5/7 2:30 PM  
Okay awesome when that things gets going that will be a game changer

5/7 2:30 PM  
the factory rep says he has 6,000+ motors that he is being told not to expect delivery until 2025-26  
thats a lot of machines not running... and thats across the US

Jim Hoover 5/7 2:31 PM  
The guys will be much happier and less bitchy they tell me I'm working them like niggars I said I have to make up for robs lack of effort

5/7 2:31 PM  
stacking 5 highs... really?

Jim Hoover 5/7 2:32 PM  
They said that N word not me lol  
👍 1

5/7 2:32 PM  
thats not that damn hard...  
I mean come on...

Jim Hoover 5/7 2:32 PM  
I know right..  
I forgot to tell you something  
So you know how I do my calculations on the packer

5/7 2:33 PM

I also want to have a framer come in and give us a quote to frame and drywall off the production floor from the rest of the area so we can eliminate the air quality BS

Jim Hoover 5/7/2023, 2:32 PM  
I forgot to tell you something

whats that?

Jim Hoover 5/7 2:33 PM



I heard you telling john something how many bags we are doing time wise

Well so I timed it thru the day several times and I'm packing 3 bags in one minute 7 seconds



So not bad I think you had us only doing 2 bags a minute I think



5/7 2:35 PM

OGX, DGX, AFX, PremiumX, TrifilX:  
50 bags per hour production

Microgrades (X45 - X30):  
20 bags per hour production

Microgrades (X15 - X10):  
10 bags per hour production

Bulk bags:  
6 bulk bags per hour

Jim Hoover 5/7 2:35 PM



Plus socks are taking long ass time to feel up now



5/7 2:35 PM

thats good

Jim Hoover 5/7 2:36 PM



Which is good on elevator

5/7 2:36 PM

fixing the air leaks i think solved a lot of issues.

Jim Hoover 5/7 2:36 PM



Yes sir

So I think I got this insurance thing called AmBetter have you heard of it

5/7 2:38 PM

? no

Jim Hoover 5/7 2:38 PM



Which will pay for my insurance and Kennedy insurance so I won't have to carry it thru work



5/7 2:39 PM

If its cheaper... then by all means go for it;

Jim Hoover 5/7 2:39 PM



It's something you told me to look into so I did boss

5/7 2:39 PM

thats good.

Jim Hoover 5/7 2:40 PM



Just another example of me LISTENING to the man

Lol



5/7 2:40 PM

IMO, since the OBAMAcare BS... where the government requires you to have health insurance...

its sometimes better to get your own plan than it is through a company.

Jim Hoover 5/7 2:41 PM



God gave me two ears to listen more and one mouth to talk less



That's how I take it anyway

5/7 2:41 PM

let us know your premiums... so we can share with the rest of the guys....

Jim Hoover 5/7/2023, 2:41 PM

God gave me two ears to listen more and one mouth to talk less

only if we all took this advice more often...

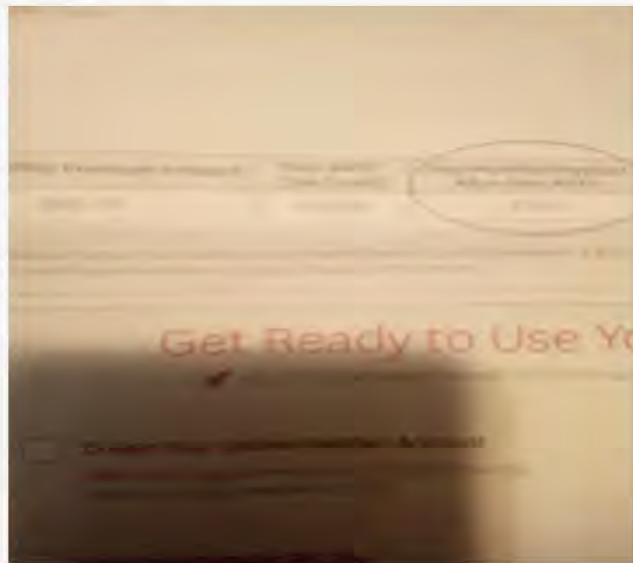
me too

Russell Tidaback 5/7/2023, 2:41 PM

let us know your premiums... so we can share with the rest of the guys....

if they can get cheaper rates then we should cancel the company plan.

Jim Hoover 5/7 2:43 PM



5/7 2:44 PM

as a company, we have to jump through hoops for insurance, that you don't as an individual.

Jim Hoover 5/7 2:44 PM



I hate that

I have another paper I'm looking for for you to see

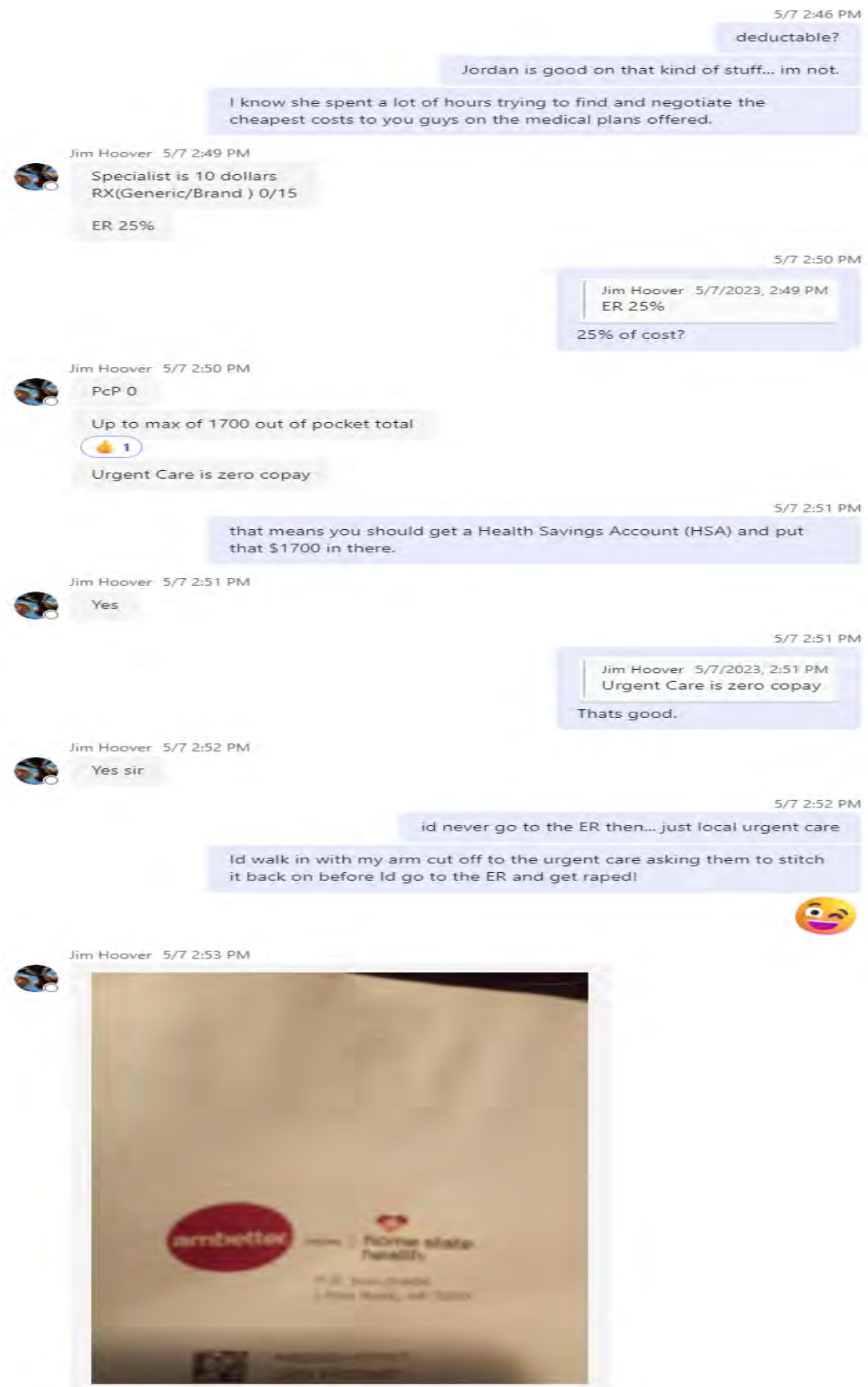
5/7 2:45 PM

that looks like it \$900 monthly but at the end of the year they give you a tax credit...

Jim Hoover 5/7 2:45 PM



Max out of pocket is 1,700 I think





Just showing if it helps

5/7 2:55 PM

if they are cheaper... thats good.

yeah

Jim Hoover 5/7 2:56 PM

Anyway so what is on your mind just keep running running running mill

5/7 2:58 PM

so, with the Mill.

We are interviewing a Production Assistant on Monday....

Jim Hoover 5/7 2:58 PM

Oh boy

5/7 2:58 PM

I think the PA, needs to be your back up...

you run the control room and just produce material....

Jim Hoover 5/7 2:59 PM

Yes

5/7 2:59 PM

the PA manages the workload

does all the paperwork

the QC

Jim Hoover 5/7 2:59 PM

100%

5/7 2:59 PM

etc...

Jim Hoover 5/7 2:59 PM

That's good

5/7 2:59 PM

BUT... he needs to know how to run the control room so when you take a vacation, sick, etc...

then John would be the PAs backup for the control room

I think your strength is producing product.

You can help the guys understand the machines... when issues arise

but you are at your best when producing product

NO EATING OR DRINKING IN THE CONTROL ROOM!

I repeat

Jim Hoover 5/7 3:01 PM  
 Yes sir glad you think that  
 I hear you

5/7 3:01 PM  
 NO EATING OR DRINKING...

Jim Hoover 5/7 3:01 PM  
 No eating or drinking

5/7 3:01 PM  
 okay so you hear me!

Jim Hoover 5/7 3:01 PM  
 Got that

5/7 3:02 PM  
 Now...

Jim Hoover 5/7 3:02 PM  
 GD IT JIM  
 🤔 1  
 Now ....?

5/7 3:02 PM  
 my thoughts are if we could get you and possibly Jeremy to come in at 6am and get the mill ready to produce...  
 at 8am...  
 then you two leave at 230pm...  
 that would, I believe help you with production numbers but also...  
 allow you to leave earlier in the day, when you start to peter out (tired)....  
 just my thoughts...  
 the mill associates and PA would come in at 8am - 430.  
 the PA would do the shut down...

Jim Hoover 5/7 3:05 PM  
 It takes 30 mintues to get the mill to roll 7 is plenty it would be rolling by 7:30

5/7 3:06 PM  
 7 would work too..

Jim Hoover 5/7 3:06 PM  
 I can have it rolling really in less than 20 mintues

5/7 3:06 PM  
 700 - 330

Jim Hoover 5/7 3:06 PM  
 Sure

5/7 3:06 PM  
 lets give the PA some time to get use to the shut down process... and then bring it to John.

Jim Hoover 5/7 3:07 PM  
 If that's what you want I will work tell 4:30 to help us get more of a number tell we start catching up

5/7 3:07 PM  
 would need to work it out with Jeremy or someone else to come in at 7am.



Jim Hoover 5/7 3:08 PM



I was thinking and talking to John the other day I have been walking Jeremy thru with me in mornings and since Ryan is there tell 4:30 having him walk with me at shut down what's your thoughts

I have been doing that

5/7 3:09 PM

either way... the maintenance guys need to know the start up and shut down process too.

the PA is your backup though.

Jim Hoover 5/7 3:09 PM



That's what I was thinking



Yes

WWRD

WHAT WOULD RUSS DO !!



That's what I came up with so I did that

5/7 3:10 PM

lol... you wouldnt want to know sometimes!!!

Jim Hoover 5/7 3:10 PM



With the maintenance

Lol your probably right

5/7 3:11 PM



Jim Hoover 5/7 3:11 PM



Tube mills is full charge 120 rolling



5/7 3:12 PM

yep, John sent a pic of it.

Jim Hoover 5/7 3:12 PM



Not below 100



5/7 3:12 PM

we need to watch the dates to see how long it lasts...

Jim Hoover 5/7 3:14 PM



See how the holes are rounded at some of the ends like a bigger hole



That's not good it's letting some of the small rocks get thru there but we got in there and fixed the serious problems that's for sure I told Jeremy we needed to get in there and look at that end and we found the problem it was killing the screens



On the fourth I told Rob the scrolls needed to be cut shorter he said no it will be alright I told him the product is going past the hole and covering the screens and making everything go back into return and he said how do you no that and I showed him and still blew me off

5/7 3:20 PM

he was a dick wad...

Jim Hoover 5/7 3:20 PM



It just really pissed me off that I would find the problem and he would just ignore it



I agree

Jim Hoover 5/7 3:25 PM



Also just to let you know robs BS TALK ABOUT taking 1:30 mins to shut down and run product all out is total BS it takes 20 mins from start to finish approximately 30 at most



5/7 3:39 PM

30 mins is what we discussed before Rob... he was just lazy

Jim Hoover 5/7 4:03 PM



True

May 9

11. Produce an unredacted, complete copy the Mill Group Chat, Microsoft Teams chat, from June 26, 2023.

RESPONSE: Please see the chat on June 26, 2023:

June 26

Jim Hoover 6/26 8:19 AM



So who is helping Ron and Rj today do we have any takers since pat is crushing

John Spears 6/26 8:20 AM



Pat can get us started in the crush room. Jeremy can take over after he does his maintenance rounds. Ryan can run the packer of and on as well.

Jim Hoover 6/26 8:27 AM



Alrighty thanks 🙌

Jim Hoover 6/26 8:59 AM



Delta we have a problem , we are losing a lot of heat

John Spears 6/26 9:01 AM



That needs looked into. [Jeremy Talbert](#) go see Jim. I'm on my way.

Jim Hoover 6/26 9:02 AM



Ryan is down there

John Spears 6/26 9:03 AM



Very good.

Jim Hoover 6/26 9:23 AM



We are going to be down for a little to repair the dryer

6/26 2:06 PM

Everyone make sure we are using LOTO and the established safety procedures. There is no reason for anyone to get injured at our location.

<https://www.msha.gov/data-reports/fatality-reports/2023/june-8-2023-fatality/fatality-alert>



You should expect MSHA to be diligently looking in the causes of this fatality at our location.

John Spears 6/26 2:09 PM



Russell Tidaback 6/26/2023, 2:08 PM

You should expect MSHA to be diligently looking in the causes of this fatality at our location.

That would not surprise me that we would be picked out.



I am running samples on the Cilas machine.

June 27

12. Produce documents related to the fatality referred to in John Spears' Mill Group Chat message on June 26, 2023, produced by Respondent in the document titled ALL Communications regarding MSHA.

RESPONSE: In response to your request for the production of documents related to the fatality referred to in John Spears' Mill Group Chat message on June 26, 2023. We appreciate your inquiry and the opportunity to clarify the information requested.

In the Mill Group Chat conversation on June 26, 2023, the mine operator posted a link to the June 8, 2023, fatality alert notice issued by the Mine Safety and Health Administration (MSHA). The referenced fatality is the same incident that is detailed in the MSHA's official alert notice.

As the requested documents are directly related to the MSHA fatality alert notice, we would like to clarify that the details and information regarding this fatality are available in the official MSHA documentation, including the alert notice itself. We do not possess any additional internal documents or materials related to this specific incident beyond what has already been publicly communicated by MSHA.

To provide you with the most accurate and complete information regarding this fatality, we recommend referring directly to the official MSHA fatality alert notice dated June 8, 2023. This notice contains all relevant details and findings related to the incident, as compiled and reported by the regulatory authority responsible for investigating and documenting such events.

Should you require access to the official MSHA fatality alert notice or have any further questions related to this incident or other matters, please do not hesitate to let us know.

13. Produce the Microsoft Teams chats regarding the following incidents/entries into the document titled Rob Baumann-Notes from Russell Tidaback employee journal:

- a. 26JUL2022 - Jeff states the shaker screen ripped because Rob didn't put bolts back in and just ran it like that. Rob told Miguel that he didn't care and that Miguel needed to get down. Rob shut things down sent everyone home early.
- b. 27JUL2022 - Christine states Rob is having the guys run straight 8 hours and bypassing the given break so they can go home earlier. I explained the break should be rotated so we can continue to produce for the 8.5 hours. The breaks are precautionary for employees dust exposure too. MO doesn't require breaks to be given. Plus they are only running bulk bags and that can be done with two people.
- c. 1AUG2022 - Christine states If Rob cannot get it done, we just need to replace him.
- d. 5AUG2022 - Jessie states there is no emphasis for the guys to help him. When he brings it to Rob, he shrugs his shoulders and walks away.
- e. 8AUG2022 - Christine wants to bring Rob to first shift as she doesn't believe Rob is doing what he is suppose to be doing without someone overseeing him. We cannot put Jim on nights due to being a single father and a young child at home.
- f. 9AUG2022 - Christine thinks we should train someone to replace Rob on the night shift.
- g. 16AUG2022 - Advised Christine to counsel Rob regarding shutting down and letting people go earlier than scheduled.
- h. 25AUG2022 - Rob needs counseling on filling out the BOL correctly. A shipper complained that he did it wrong and wasted their time.
- i. 31AUG2022 - Had discussion with Rob on the importance of inputting the daily production information in the spreadsheet. He said he would log in and get it done.
- j. 3SEP2022 - Had discussion with Rob regarding the daily production numbers and updating the spreadsheet accurately. I don't know if he is incompetent or just lazy.
- k. 28SEPT2022 - Rob not doing the CILAS reports as required for orders produced.
- l. 8OCT2022 - Jessie and Carson were waiting for Rob to get there. Rob was late getting there.
- m. 12OCT2022 - Had discussion with Rob regarding notifying and working with Carson to address the maintenance issues. Carson said Rob gets mad at everything and is hard to work with. I explained that getting angry and combative with others is not going to solve the issue any quicker.
- n. 13OCT2022 - Had to counsel Rob on following the production schedule as it is presented. He was not producing what was on the schedule. Rob said he didn't like having to check the computer or phone to do his job. I explained that the computer work was part of the role.
- o. 17OCT2022 - Had to explain Rob about the flow of the system and asked him why he wasn't reviewing the operating documents in the maintenance team files. His excuse was he didn't like to read on a computer.
- p. 26OCT2022 - Had to explain to Rob why the MAC vacuum system was spewing dust from the exhaust and that we had to shut the system down so DEQ doesn't get called. Jim states Rob doesn't know what he is doing.
- q. 2NOV2022 - John mentioned Rob showing his poor attitude again.



- r. 5NOV2022 - Had to get onto Rob about not properly keeping team shift hours correct in Shifts. He was writing them down on scratch paper and forgetting to update shifts. I don't know if he is just lazy or what. I explained that he can do this any time from the computer or his phone.
- s. 8NOV2022 - Had to inquire with Rob if he was shutting down early letting people go home early. The systems were showing shut down before the end of the shift.
- t. 1DEC2022 - While at AT had a discussion with Rob regarding his lack of attentiveness regarding ensuring the proper things were done with his team. The checklists werent being completed. The inspections werent being completed. The breakroom was a disaster. The fridge was disgusting. The trash wasn't taken out the day before, some of the windows were still open. The production floor was a mess. The back roll up door was off track. The bathroom was disgusting. The circuit breakers in Warehouse A was blocked by slip sheets.
- u. 16DEC2022 - Discussion regarding keeping the production team informed of what is expected to produce that day. Rob is lacking in managerial purpose for his team members.
- v. 26DEC2022 - Discussion with Rob regarding not meeting the daily production goals, team members complaining that he doesn't know what he is doing and that he just gets angry and stomps around like a child. He isnt a leader and allows his team to push him around. His response was just nodding his head. I stressed filling out the tasking board everyday and making sure the things get done. If he has problems with someone, take it to John and John will get it resolved. Jim blames Rob.
- w. 20JAN2023 - Kensley posted in the Ops chat group a pic of dust blowing out the back of the bldg. Again, had to stress to Rob that he needs to watch for any dust blowing out of the building. We cant have the Sheriff or DNR receiving complaints about us. We had to reiterate in the group that it was Robs responsibility to be inputting in the daily production worksheet what was produced each day before he leaves for the day. This wasn't been done.
- x. 25JAN2023 - Had to get onto Rob regarding keeping the completed bag inventory up to date. John and I discussed Robs attitude.
- y. 28FEB2023 - discussed with Rob about the task board. Starting to think we need to let Rob go. His attitude is one that he doesn't care about getting things done. He jokingly mentioned he liked being paid for not working.
- z. 20MAR2022 - Alex Snodgrass hired to eventually replace Rob.
- aa. 24MAR2023 - Discussion with John regarding Robs push back on stacking the bags today. I believe Robs attitude is infectious. We need Alex to take over for Rob and just let Rob go for performance issues.
- bb. 30MAR2023 - ATMO Safety discussion with Jessie about ensuring that Rob gets the tasks done. The tasks are established, just not getting enforced by Rob.
- cc. 5APR2023 - Alex informed us regarding accepting a neurology position at a hospital in Little Rock. Neurology is his degree is in. John and I discussed just letting Rob go.
- dd. 7APR2023 - John, Jordan and I discussed letting Rob go.
- ee. 12APR2023 - Time to let Rob go. He is afraid to make the system work and cant meet the simple daily quotas. If Jim can get it done why cant Rob. Need to look at the mill structure again. Jim can run the Mill, we just need to get a manager of people to manage the team. Hopefully, Brian Edwards can do it. He can manage the people, QC, inventory and the reporting. Jim can run the mill. Brian will need to learn how to as a back up to Jim.

ff. 14APR2023 - Warned John about an MSHA complaint when we let Rob go. Robs termination will be based on production performance, not following guidance given by management, not ensuring the safety of the mill associated by utilizing the proper controls, etc. Send John the termination letter.

gg. 16APR2023 - Ask Keith about miner pay and withdrawal order. Robs termination letter sent to John.

RESPONSE: These notes were from Mr. Tidabacks personal daily notes journal which is done on a Rocketbook wipeable notebook. These were not input into a Microsoft Teams Chat.

14. Produce all Microsoft Teams chats between Robert Baumann and any owner, supervisor or manager of Respondent.

RESPONSE: In your request for the production of all Microsoft Teams chats between Robert Baumann and any owner, supervisor, or manager of Respondent. We appreciate your patience as we work diligently to fulfill this highly technical request.

Due to the specialized nature of retrieving Microsoft Teams chats, we are currently in the process of coaching our managers and supervisors on the necessary steps to access and compile the requested information. This process involves ensuring that all relevant chats are securely retrieved and properly documented to meet your requirements.

We understand the importance of providing a comprehensive and accurate response to your request and are committed to delivering the requested Microsoft Teams chats as soon as they are available. Our team is actively working on this matter, and we anticipate completing the retrieval process within a reasonable timeframe.

Please be assured that we take your request seriously and are making every effort to facilitate the retrieval of the requested chats efficiently and effectively. We will notify you as soon as the information is ready for submission.



Date	Start	End	Customer	Order #	Requested	Type bag	Grade	Quantity Produced	Remarks
24-Jan-22			Klang	14388	330	50#	AFC	Pallets 330	
			JLEA	14412		100#	DGR	80	Color change
26-Jan-22			JLEA		200	50#	OGR	200	
27-Jan-22			JLEA			50#	DGR	720	
			JLEA		22	2000#	DGR	440	
28-Jan-22			JLEA		2	2000#	DGR	40	
			Federal		400	100#	DGR	?	
22-Feb-22			Bright Abrasives	14421-A	400	100#	OGR	96	
25-Feb-22			Bright Abrasives	14421-A	400	100#	OGR	20	
28-Feb-22			Bright Abrasives	14421-A	400	100#	OGR	284	
1-Mar-22			Formax	14415	400	100#	DGR	100	
			JLEA	14427	13	Bulk Bags	DGR	13	
2-Mar-22			Formax	14415	300	100#	DGR	300	Completed
			Federal_Mogal	14381,	50x3	50#	AFR	300	
				14419,					Completed, 50 extra
3-Mar				14448					In progress
			JLEA	14427	840	50#	OGR	240	Completed
4-Mar-22			JLEA	14427	600	50#	OGR	7-4W 600	In progress
			Reptec	14425	840	50#	OGR	09-4W 360	In progress DC
			Reptec	14425	480	50#	OGR	03-4W 120	exhaust failure=shutdo
									wn and 1300hrs
7-Mar-22									Completed
8-Mar-22			Reptec	14425	360	50#	OGR	9-4W 360	Completed
					44	100#	OGR	01-4W 44	Completed
				14429	21	2000#	DGR	03-4W 3	For JLEA
9-Mar-22			Zephyr	14430	400	100#	DGR	20-4W 40	In progress
10-Mar-22			Zephyr	14430	360	100#	DGR	18-4w 360	Completed
14-Mar-22	0930	1600	JLEA	14429	18	2000#	DGR	21-4W 18	Completed
15-Mar-22	1000	1400	JLEA	14439	12	2000#	DGR	21-4W 14	In progress
			JLEA	14439	9	2000#	DGR	21-4W 7	
									Completed. replaced pick belt motor.
16-Mar-22	1200	1400	JLEA	14440	21	2000#	DGR	21-4W 15	
			Bright Abrasives	14421-B	20	2000#	OGR	20-4W 16	
									2ea DGR BB to flush. Use for 14440 order. loaded 1ea bag of rock in tube mill.
17-Mar-22	1000		JLEA	14440	2	2000#	DGR	2	
			Shezen Sunshine	14359	400	100#	OGR	20-Heat Treated Lg	
21-Mar-22			Bright Abrasives	14442	20	2000#	OGR	18-4W 20	Completed
			JLEA	14417	18	2000#	DGR	20-4W 18	Completed
			Shanghai Jiarong	14411	20	2000#	DGC	20-Heat Treated Lg	
22-Mar-22									Completed
			Ceramic	14418	30	900#	DGC	20-4W	Completed
			Warner Chemical	14453	20	100#	OGC	5-4W 20	Completed
			JLEA	14417	2	2000#	DGC	2-4W 2	Completed
			Blue Ribbon	<a href="#">14459</a>	168	100#	DGC	7-4W 148	will finish last pallet tomorrow
23-Mar-22			Blue Ribbon	<a href="#">14459</a>		100#	DGC	1-4W 20	
			For Stock	N/A	N/A	100#	DGC	32	
									For stock. wrote DGC with a sharpie on log side of bags
			BPI	14432	27	100#	PC	1-4W 36	8 extra into stock

Date	Start	End	Customer	Order #	Requested	Type bag	Grade	Quantity Produced	Remarks
1-Mar-22			Formax	14415	400	100#	DGR	100	
			JLEA	14427	13	Bulk Bags	DGR	13	
2-Mar-22			Formax	14415	300	100#	DGR	300	Completed
3-Mar			Federal_Mogal	14381, 14419, 14448	50x3	50#	AFR	300	Completed, 50 extra
4-Mar-22			JLEA	14427	840	50#	OGR	240	In progress
			JLEA	14427	600	50#	OGR	7-4W 600	Completed
			Reptec	14425	840	50#	OGR	09-4W 360	In progress
7-Mar-22			Reptec	14425	480	50#	OGR	03-4W 120	In progress DC exhaust failure=shutdown and 1300hrs
8-Mar-22			Reptec	14425	360	50#	OGR	9-4W 360	Completed
					44	100#	OGR	01-4W 44	Completed
				14429	21	2000#	DGR	03-4W 3	For JLEA
9-Mar-22			Zephyr	14430	400	100#	DGR	20-4W 40	In progress
10-Mar-22			Zephyr	14430	360	100#	DGR	18-4w 360	Completed
14-Mar-22	0930	1600	JLEA	14429	18	2000#	DGR	21-4W 18	Completed
15-Mar-22	1000	1400	JLEA	14439	12	2000#	DGR	21-4W 14	In progress
16-Mar-22	1200	1400	JLEA	14439	9	2000#	DGR	21-4W 7	Completed. replaced pick belt motor.
			JLEA	14440	21	2000#	DGR	21-4W 15	
17-Mar-22	1000		Bright Abrasives	14421-B	20	2000#	OGR	20-4W 16	2ea DGR BB to flush. Use for 14440 order. loaded 1ea bag of rock in tube mill.
			JLEA	14440	2	2000#	DGR	2	

	Shezen Sunshine	14359	400	100#	OGR	20-Heat Treated Lg		
21-Mar-22	Bright Abrasives	14442	20	2000#	OGR	18-4W	20	Completed
	JLEA	14417	18	2000#	DGR	20-4W	18	Completed
22-Mar-22	Shanghai Jiarong	14411	20	2000#	DGC	20-Heat Treated Lg	20	Completed
	Ceramic	14418	30	900#	DGC	20-4W		Completed
	Warner Chemical	14453	20	100#	OGC	5-4W	20	Completed
	JLEA	14417	2	2000#	DGC	2-4W	2	Completed
	Blue Ribbon	<a href="#">14459</a>	168	100#	DGC	7-4W	148	will finish last pallet tomorrow
23-Mar-22	Blue Ribbon	<a href="#">14459</a>		100#	DGC	1-4W	20	
	For Stock	N/A	N/A	100#	DGC		32	For stock. wrote DGC with a sharpie on log side of bags
	BPI	14432	27	100#	PC	1-4W	36	8 extra into stock

Date	Order #	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Major Downtime Events/ Notes
1/1/2022	EXAMPLE	9:00 AM	1:00 PM	Prior	OGR	100	108	10800	elevator not keeping up
4/7/2022	14461	8:00 AM	4:30 PM	Jlea	DGR	2000	4	8000	bulk filler motor hit- system backed up with cold product; some bags made by combining half bags
4/8/2022									NO PRODUCTION- Dryer burner would not start- getting parts to replace contacts
4/11/2022									NO PRODUCTION- burner part replaced and dryer started late afternoon; training done
4/12/2022	14446	8:00 AM	11:45 AM	Ceramic	DGC	900	30	27000	
4/12/2022	14471	11:45 AM	3:00 PM	Ceramic	DGC	900	16	14400	burner went out once; ground screens issues; early clean up
4/13/2022									NO PRODUCTION- burner would not start; trouble shooting; replacing more parts
4/14/2022									NO PRODUCTION- burner would not start; filters replaced while down
4/15/2022									NO PRODUCTION- burner would not start; tried part to fix it with no luck; cleaning outside and arranging inventory while down
4/18/2022									NO PRODUCTION- burner would not start; lights replaced and pit cleaned while down
4/19/2022	14471	12:15 PM	2:00 PM	Ceramic	DGC	900	1	900	Installed burner part and ran some before filter intake motor went out; working on lights and guards while down
4/20/2022	14471			Ceramic	DGC	900	14	12600	
4/20/2022	14447			IMCD	DGC	50	80	4000	Short staffed
4/20/2022	14333			Prior	OGR	100	216	21600	Stayed late in an attempt to finish the order, still need 4 more pallets
4/21/2022									No PRODUCTION- SCROLL
4/22/2022	14333	8:00 AM	12:00 PM	Prior	OGR	100	144	14400	Palletizer issues
4/22/2022	14414	12:00PM	4:00 PM	SEB		100	240	24000	
4/27/2022	14333-C	11:27 PM	3:00PM	Prior	OGR	100	108	10800	on this order had dgr and ogr. started at eleven charging tube mill
4/27/2022	14333-c	11:27PM	3:00PM	Prior	DGR	100	80	8000	
4/27/2022	14333-D	1:00PM	3:00PM	Prior	OGR	100	252	25200	order had dgr and ogr
4/27/2022	14333-D	3:00PM	5:00PM	Prior	DGR	100	116	11600	
4/27/2022	14333-E	5:00PM	5:15PM	Prior	DGR	100	108	10800	
4/27/2022	STOCK	10:30AM	11:00AM	ATMO	DGR	2000	2	4000	
4/28/2022	14333-E	7:45AM		Prior	DGR	100	252	25200	
4/28/2022	STOCK	11:00 AM	5:45PM	ATMO	OGR	2000	12	24000	





Date	Order #	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Major Downtime Events
5/2/2022	STOCK	9:00 AM	9:30 AM	ATMO	DGR	2000	2	4000	
5/2/2022	STOCK	9:30 AM	9:40 AM	ATMO	OGR	2000	1	2000	
5/2/2022	14458	9:45 AM	3:00 PM	M. ABRASIVE	OGR	100	300	30000	
5/2/2022	14443	3:00 PM	3:30 PM	B. ABBRASI	OGR	2000	6	12000	
5/3/2022	14467	8:45 AM		TRT PROD	OGR	100	160	16000	
5/3/2022	14387	11:30 AM	12:00 PM	KINGS B	OGR	100	44	4400	
5/3/2022	14431	12:15 PM		KOYO	OGR	50	390	19500	
5/3/2022	14464	3:30 PM	4:00 PM	REPTEC	OGR	50	40	2000	
5/3/2022	STOCK	3:30 AM	4:00 PM	ATMO	OGR	2000	4	8000	
5/4/2022	STOCK	8:30 AM	9:00 AM	ATMO	OGR	2000	2	4000	
5/4/2022	14464	9:00 AM	10:00 AM	REPTEC	OGR	50	200	10000	
5/4/2022	14411	10:00 AM	4:00 PM	SHANGAI	DGR	2000	21	42000	ROCK IS REALLY WET
5/5/2022	STOCK	10:45 AM	11:15 AM	ATMO	DGR	2000	3	6000	
5/5/2022	14464	11:15 AM	11:45 AM	REPTIC	DGR	50	240	12000	
5/5/2022	14431	12:00 PM	4:00 PM	KOYO	AFR	50	250	12500	
5/5/2022	STOCK	3:00 PM	3:30 PM	ATMO	AFR	50	40	2000	
5/6/2022	STOCK	8:30 AM	8:45 AM	ATMO	DGR	2000	2	4000	
5/6/2022	14464	10:00 AM	4:30 PM	REPTIC	DGR	50			
5/9/2022	SO-245	9:30 AM			DGR	2000	15	30000	
5/9/2022	SO-245	9:30 AM		JACKSON LEE	DGR	50	200	10000	
5/10/2022	SO-245	10:00 AM	10:30 AM	JACKSON LEE	DGR	50	80	4000	
10-May	STOCK	10:00 AM		ATMO	DSG	2000	2	4000	
5/10/2022	14431	3:30 AM	4:00 PM	KOYO	DGR	50	280	14000	
5/11/2022	14466	10:00 AM	11:00 AM	DIVINE	DGR	50	80	4500	
5/11/2022	14469	11:30 AM	1:00 PM	STUTZ	DGR	100	20	2000	
5/11/2022	14515	1:30 PM	3:30 PM	NITEO	DGR	100	4	400	
5/11/2022	14459	3:30 PM	4:00 PM	BLUE	DGR	100	26	2600	
5/12/2022	14387	11:30 PM	1:00PM	BLUE	C-15	75	20	1500	
5/12/2022	14422	1:00 PM	3:00 PM	CRESCENT	C-15	75	32	2400	
5/13/2022	14422	9:00 AM	3:30 PM	CRESCENT	C-15	75	56	4200	
5/16/2022						75	139	10425	
5/17/2022				MAINT.	BULK FEED SCROLL				
5/18/2022		MAINT.		LINE TUBE MILL ROCK					
5/19/2022		MAINT.		LINE TUBE MILL ROCK					
5/23/2022		STOCK		DGR		2000	3	6000	
5/24/2022	14463	12:30 PM	3:30 PM	JACKSON LEE	OGR	2000	10	20000	
5/24/2022	14463	12:30 PM	3:30 PM	JACKSON LEE	OGR	50	150	7500	

Total Tons Made

209.3

5/25/2022 14463	10:30 AM	3:30 PM JACKSON LEE	OGR	50	210	10500
5/25/2022 STOCK	10:30 AM	3:30 PM AMTO	DGR	2000	3	6000
5/26/2022 14387	10:30 AM	3:30 PM KINGS B	DGR	100	178	17800
5/26/2022 14387	10:30 AM	3:30 PM KINGS B	AFR	100	121	12100
5/26/2022 STOCK	10:30 AM	3:30 PM ATMO	OGR	2000	5	10000
5/27/2022 STOCK	10:30 AM	3:30 AM ATMO	DGR	100	32	3200
5/27/2022 STOCK	10:30 AM	3:30 PM ATMO	OGR	2000	5	10000
5/31/2022 14473	9:00 AM	3:30 PM sAINT GO	AFC	50	253	12650
5/31/2022 STOCK	9:00 AM	6:00 PM ATMO	DGR	2000	2	4000
5/31/2022 14481	9:00 AM	6:00 PM MERCURY	AFC	50	370	18500



Date	Order #	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Major Downtime Events	Column1	Column2
6/1/2022	14481	9:00 AM	6:00 PM	MERARY	AFC	50	232	11600			
6/1/2022	14481	9:00 AM	6:00 PM	MERARY	OGR	50	230	11500			
6/1/2022	STOCK	9:00 AM	6:00 PM	ATMO	OGC	2000	2	4000			
6/1/2022	STOCK	9:00 AM	6:00 PM	ATMO	OGR	2000	10	20000			
6/1/2022	14459	9:00 AM	6:00PM	BLUE R	OGR	100	100	10000		57100	
6/2/2022	14493-A	9:00 AM	6:00 PM	BRIG. AB	OGR	2000	6	12000			
6/2/2022	14485	9:00 AM	6:00 PM	THE LAB Z	OGR	100	26	2600			
6/2/2022	14459	9:00 AM	6:00 PM	BLUE R	OGR	100	72	7200			
6/2/2022	14540	9:00 AM	6:00 PM	N. Labs	OGR	100	11	1100			
6/2/2022	14405-A	9:00 AM	6:00 PM	M RICH	OGR	100	200	20000		42900	
6/3/2022	14405-A	9:00 AM	4:30 PM	M RICH	OGR	100	200	20000		20000	
6/6/2022	STOCK	9:00 AM	4:30 PM	ATMO	OGR	2000	5	10000		10000	
6/7/2022	STOCK	9:00 AM	4:30 PM	ATMO	OGR	2000	1	2000		2000	
6/8/2022	14405-B	9:00 AM	4:30 PM	M RICH	OGR	100	40	4000		4000	
6/8/2022	STOCK	9:00 AM	1:30 PM	ATMO	OGR	2000		0			
6/9/2022	STOCK	9:00 AM	4:30 PM	ATMO	OGR	2000	4	8000			
6/9/2022	14405-B	9:00 AM	4:30 PM	M RICH	OGR	100	360	36000		44000	
6/13/2022	14460	11:45 AM	3:30 PM	Jackson I	OGR	2000	10	20000			
6/13/2022	14460	11:45 AM	3:30 PM	Jackson I	OGR	50	280	14000		34000	
6/14/2022	14465	9:00 AM	4:30 PM	Reptec	OGR	100	200	20000			
6/14/2022	14493-B	9:00 AM	4:30 PM	BRIG. AB	OGR	2000	15	30000			
6/14/2022	STOCK	9:00 AM	4:30 PM	ATMO	OGR	2000	5	10000			
6/14/2022	14465	9:00 AM	4:30 PM	REPTEC	DGR	100	40	4000		64000	
6/15/2022	14465	9:00 AM	4:30 PM	Reptec	DGR	100	160	16000			
6/15/2022	14484	9:00 AM	4:30 PM	Zephyr	DGR	100	300	30000			
6/15/2022	STOCK	9:00 AM	4:30 PM	ATMO	DGR	2000	2	4000		50000	
6/16/2022	14484	9:00 AM	4:30 PM	Zephyr	DGR	100	100	10000			
6/16/2022	14423	9:00AM	4:30 PM	EAST BES	DGR	100	160	16000			
6/16/2022	14423	9:00 AM	4:30 PM	EAST BES	OGR	100	240	24000			
6/16/2022	STOCK	9:00 AM	4:30 PM	ATMO	DGR	2000	3	6000			
6/16/2022	14424	9:00 AM	4:30 PM	EAST BES	OGR	100	40	4000		60000	
6/18/2022	14494 -A	8:30 AM	3:30 PM	BRIG. AB	OGR	2000	20	40000		40000	
6/20/2022	14424	9:00 AM	12:45 PM	EAST BES	OGR	100	360	36000			
6/20/2022	14494-B	8:30 AM	9:00 AM	BRIG. AB	OGR	2000	5	10000			
6/20/2022	14494-B	12:45 PM	3:15 PM	BRIG. AB	OGR	2000	15	30000			
6/20/2022	STOCK	3:15 PM	4:30 PM	ATMO	DGR	2000	10	20000			
6/20/2022	14525	3:30 PM	3:40 PM	FORMAX	DGR	100	20	2000		98000	
6/21/2022	STOCK	9:00 AM	9:20 AM	ATMO	DGR	2000	15	30000			
6/21/2022	14525	9:20 AM	3:00 PM	FORMAX	DGR	100	400	40000			
6/21/2022	14539	3:300 PM	4:00 PM	BPI	DGR	100	120	12000			
6/21/2022	STOCK	3:30 AM	4:00 PM	ATMO	DGR	2000	1	2000		84000	
6/22/2022	14538	9:30 AM	10:00 AM	BPI	DGR	100	60	6000			
6/22/2022	STOCK	10:00 AM	10:30 AM	ATMO	DGR	2000	2	4000			
6/22/2022	14489	10:30 AM	10:45 AM	Fed. mogul	AFR	50	50	2500			
6/22/2022	14490	10:45 AM	11:00 AM	fed.m ky	AFR	50	100	5000			
6/22/2022	14492	9:00 AM	9:30 AM	fed.m ky	AFR	50	50	2500			
6/22/2022	STOCK	3:00 PM	4:00 PM	ATMO	DGR	2000	8	16000			
6/22/2022	14474	2:00 PM	3:00 PM	MAV. AB	DGR	100	100	10000			

Goal 62K # per 8hr shift  
Only 4 days of June did we meet this goal  
Only produced 19 of 22 working days of June  
850,500 TOTAL #s produced in June

6/22/2022	STOCK	2:00 PM	3:00 PM	ATMO	AFR	100	48	4800	50,800
6/23/2022	14488	12:00 PM	4:00 AM	Jackson I	OGR	2000	17	34000	
6/23/2022	14474	9:30 AM	11:00 AM	MAV. AB	OGR	100	300	30000	
6/23/2022	STOCK	8:45 AM	9:00 AM	STOCK	DGR	2000	2	4000	
6/23/2022	14492	3:30 PM	4:00 PM	fED.m ky	AFR	50	50	2500	70,500
6/27/2022	STOCK	10:45 AM	11:15 AM	ATMO	OGR	2000	3	6000	
6/27/2022	14386-A	11:15 AM	2:30 PM	PRIOR	OGR	100	368	36800	
6/27/2022	14386-B	3:00 PM	3:30 PM	PRIOR	OGR	100	72	7200	50,000
6/29/2022	STOCK	8:15 AM	8:45 AM	ATMO	OGR	2000	6	12000	
6/29/2022	14386-B	8:45 AM	11:30 AM	PRIOR	OGR	100	208	20800	
6/29/2022	14386-C	11:30 AM	3:45 PM	PRIOR	OGR	100	288	28800	61,600
6/30/2022	14836-D	3:45 PM	4:00 PM	PRIOR	OGR	100	36	3600	
6/30/2022	STOCK	8:30 AM	9:00 AM	ATMO	OGR	2000	2	4000	7,600 <b>850,500</b>

Date	Order #	SHIFT	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Pounds made (auto sums)	Total Pounds for the shift	Pallets broke	Bags Ripped	Major Downtime Events
7/1/2022	14386-D	1st	9:00 AM	10:15 AM	PRIOR	OGR	100	148	14,800				
7/1/2022	14386-B	1st	10:15 AM	11:30 AM	PRIOR	DGR	100	80	8,000				
7/1/2022	14386-C	1st	11:30 AM	12:30 PM	PRIOR	DGR	100	80	8,000				
7/1/2022	14386-D	1st	12:30 PM	2:00 PM	PRIOR	DGR	100	184	18,400				
7/1/2022	STOCK	1st	8:30 AM	2:00 AM	ATMO	OGR	2,000	3	6,000	55,200			
7/4/2022													4th of July Holiday
7/5/2022	14386-D	1st	11:00 AM	4:00 PM	PRIOR	DGR	100	72	7,200				
7/5/2022	STOCK	1st	1:00 PM	4:00 PM	ATMO	DGR	2,000	5	10,000	17,200			
7/6/2022	STOCK	1st	9:00 AM	9:40 AM	ATMO	DGR	2,000	6	12,000				
7/6/2022	14386-E	1st	9:45 AM	3:00pm	PRIOR	DGR	100	368	36,800				
7/6/2022	14386-D	1st	11:30 AM	12:30 PM	PRIOR	DGR	100	144	14,400				
7/6/2022	14455	1st	12:30 PM	3:30 PM	SEB	OGR	100	70	7,000	70,200			
7/7/2022	14455	1st	9:15 AM	3:30 AM	SEB	OGR	100	210	21,000				cyclone hard to get going
7/7/2022	STOCK	1st	10:30 AM	12:00 PM	ATMO	OGR	2,000	4	8,000	29,000			
7/8/2022	stock	1st	8:00 AM	9:35 AM	ATMO	OGR	2,000	1	2,000				cyclone hard to get going
7/8/2022	14455	1st	9:35 AM	10:50 AM	SEB	OGR	100	120	12,000				
7/8/2022	14456	1st	10:50 AM	1:35 PM	SEB	OGR	100	200	20,000				
7/8/2022	14457	1st	1:35 AM	3:45 AM	SEB	OGR	100	140	14,000	36,000			
7/11/2022													Maintenance Day
7/12/2022	14457	1st	12:00 PM	1:30 PM	SEB	OGR	100	200	20,000				Big Mac Broke
7/12/2022	14457	1st	1:30 PM	3:20 PM	SEB	DGR	100	80	8,000				
7/12/2022	14456	1st	2:30 PM	4:00 PM	SEB	DGR	100	80	8,000				
7/12/2022	STOCK	1st	9:30 AM	11:00 AM	ATMO	OGR	2,000	5	10,000	46,000			
7/13/2022	stock	1st	8:00 AM	8:40 AM	AATMO	DGR	2,000	3	6,000				Palletizer issues; early cleaning
7/13/2022	14456	1st	8:45 AM	10:15 AM	JEB	DGR	100	120	12,000				
7/13/2022	14532	1st	10:20 AM	3:15 PM	VAN ID	OGR	100	260	26,000	44,000			
7/7 to 7/13: 4/5 working days (1 maint day); 0 days met goal; 155,000 lbs/248,000 lbs made													
7/14/2022	14509	1st	8:00 AM	4:30 PM	Kings Bright	C-15	75	28	2,100	2,100			Not getting output; not sure why
7/15/2022	STOCK	1st	8:00 AM	9:10 AM	ATMO	OGR	2,000	1	2,000				
7/15/2022	14532	1st	9:10 AM	12:10 PM	VAN ID	OGR	100	160	16,000				Air valve off,clogged cyclone
7/15/2022 14495-A 1st 12:10PM 3:50 PM BRTABR OGR 2,000 13 26,000 44,000													Only having one fork truck slowing process due to loading truck
7/18/2022													1 Maintenance Day on first shift
7/18/2022	STOCK	2nd	4:00 PM	4:30 PM	ATMO		2,000	2	4,000				Down for carrier bearing
7/19/2022													Down for carrier bearing/ bearing in classifier
7/20/2022													Down for bearing in classifier-getting old off

7/14 to 7/20: 2/5 working days; 0 days met goal; 46,100 lbs made											
7/21/2022			8:00 AM	2:00 PM						Getting new bearing on	
7/21/2022	14536	1st	2:00 PM	4:30 AM	Prisca	DGR	100	50	5,000	5,000	Wet rock
7/21/2022	14527	2nd	4:00 PM	9:00 PM	JLea OH	DGR	2,000	18	36,000		
7/21/2022	14495- B	2nd	9:00 PM	11:30 PM	BRTABR	OGR	2,000	9	18,000	54,000	
7/22/2022	14513-A	2nd	4:30 PM	9:50 PM	SHJR	DGC	2,000	20	40,000		Motor starter on cream delivery tank kicking off
7/22/2022	14513-B	2nd	9:50 PM	11:40 PM	SHJR	DGC	2,000	8	16,000	56,000	
7/22/2022	14509	1st	9:00 AM	3:00 PM	kings Brite	C-15	75	96	7,200		
7/22/2022	STOCK	1st	3:00 PM	4:00 PM	ATMO	DGC	2,000	1	2,000	9,200	
7/23/2022	14509	1st	9:00 AM	4:00 PM	kings Brite	C-15	75	102	7,650	7,650	
											System switch to OGR/worked on screen vibrator / slow getting product back in system /little mac control panel switch off???
7/25/2022	clean out bag	2nd	4:30 PM	6:30 PM	ATMO	C-15/OGR	2,000	1	2,000		
7/25/2022	14495-B	2nd	6:30 PM	9:30 PM	BRTABR	OGR	2,000	11	22,000		
7/25/2022	14496-A	2nd	9:30 AM	11:10 AM	BRTABR	OGR	2,000	6	12,000	36,000	
7/26/2022											Down for screens repair
7/27/2022	14509	1st	8:45 AM	1:00 PM	kings Brite	C-15	75	56	4,200		
7/27/2022	STOCK	1ST	1:00 PM	4:00 PM	ATMO	BULK BAGS	2,000	6	12,000	16,200	
7/21 to 7/27: 4/6 working days; 0 days goal met; 184,050 lbs made; day shift repairs and night shift running close to goal when rock is available											
											Start up worked on tube mill oiler/got bags and pallets/ ran out on cream
7/28/2022	14513-B	2nd	4:30 PM	7:30 PM	SHJR	DGC	2,000	6	12,000		Switched to rose, some issues with the product falling in rose tank
7/28/2022	14496-A	2nd	7:30 PM	11:20 PM	BRTABR	OGR	2,000	11	22,000	34,000	

Date	Order #	Shift	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Bags Ripped	Pallets Broken	Major Downtime Events	NOTES	Column2
8/26/2022	SO-371-C	1ST	2:15 PM	4:30 PM	KOYO-SHA	AFR	100	100	10,000					
8/29/2022	SO-371-C	1ST	8:00 AM	1:00 PM	KOYO-SHA	AFR	100	126	12,600			They had 22 bags bust, had bearing go out causing a backup, which had the flour elevator chain and sprocket turning, but not the shaft. The palletizer went down at 11:00 AM and still is down. Ben was out till noon.		
8/29/2022	SO-371-B	1ST	8:00 AM	1:00 PM	KOYO-SHA	OGC	100	52	5,200					
8/30/2022	SO-371-B	1ST	3:30 PM	4:30 PM	KOYO-SHA	OGC	100	68	6800					

Date	Order #	Shift	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Bags Ripped	Pallets Broken	Major Downtime Events	NOTES	Column2
9/1/2022	SO-331	1ST	10:30 AM	11:30 PM	BRITER	OGC	100	100				First thing was we fixed the hammer mill, fired up at 10:30 AM. Hammer mill went down at 11:30 AM, fired back up at 3:40 PM. The tension pulley broke completely off the first time, second time pulley bent, the belt came out the side, and clogged up the hammer mill.		
9/1/2022	SO-331	1ST	3:40 PM	4:30 PM	BRITER	OGC	100	50						
9/1/2022	STOCK	2ND	5:00PM	6:30PM	ATMO	OGC	2000	2				Changed over to DGC		
9/1/2022	SO-356-B	2ND	6:30PM	12:00AM	SHANG-J	DGC	2000	12				Doing an long clean out then pulling donaldson filters to blow them out again .		
9/2/2022	SO-325	1ST	2:00 PM	4:30 PM	VANA	OGC	100	160	2000			Maintenance until 2 PM		
9/2/2022	STOCK	1ST	2:00 PM	4:30 PM	STOCK	OGC	2000	1	40000					
9/2/2022		2ND	5:00PM	9:00PM					6000			Crushed cream,did total clean out on hooper and pit started back up at 9:30		
9/2/2022	SO-393	2ND	9:30PM	11:10 PM	Ceramic-C	DGC	900	8	10000					
9/5/2022	down	2ND							40000			worked on lil mac cleaned bagger		
9/8/2022	SO-393	2ND	5:00 PM	11:30 PM	Ceramic-C	DGC	900	20	6000			Start up cyclone plugged up,tube mill lid leaking twice pulled lid replaced insulation		
9/9/2022	SO-325	1ST	9:00 AM	4:30 PM	VANA	OGC	100	40	34000			Everything ran smooth.		
9/9/2022	SO-393	1ST	9:00 AM	4:30 PM	Ceramic-C	DGC	900	2	22000					
9/9/2022	STOCK	1ST	9:00 AM	4:30 PM	STOCK	DGC	2000	1	34000					
9/9/2022	STOCK	1ST	9:00 AM	4:30 PM	STOCK	OGC	100	32	22000					
9/9/2022	STOCK	1ST	9:00 AM	4:30 PM	STOCK	OGC	50	40	18000				Moving from STOCK to Order SO-354 (40 bags)	
9/9/2022	SO-334	1ST	9:00 AM	4:30 PM	LEA	DGC	50	300	20000					
9/9/2022	SO-394	2ND	9:30 PM	11:30 PM	Ceramic-C	DGC	900	2	20000			Moved orders to shp, started back at 9:00		
9/9/2022	SO-394	2ND	9:30 PM	11:30 PM	Ceramic-C	DGC	900	11	26000					
9/10/2022	SO-334	1ST	9:00 AM	4:30 PM	LEA	DGC	50	540	27000					
9/12/2022	SO-350	1ST	8:00 AM	10:30 AM	IMCD	DGC	50	80	4000			Down for repair on lil mac filter system at 10:30 AM.		
9/12/2022	SO-294	1ST	8:00 AM	10:30 AM	JLEA	DGC	50	160	8000					
9/12/2022	SO-365	1ST	8:00 AM	10:30 AM	IMCD	DGC	50	40	2000					
9/12/2022	down	2ND										Down for repair on lil mac filter system		
9/13/2022	DOWN	1ST										Worked on Little Mac and Big Mac, getting the filters blown out and put back in.		
9/13/2022	DOWN	2ND										Worked on big mac cleaned and replaced filters,wrapped and labeled orders		
9/14/2022	SO-335	1ST	12:00 PM	3:30 PM	OSBORN	DGC	100	28	2800			Got it running at noon, shut down at 3:30 PM to let it clean out. It started dusting more than it had been.	Customer cancelled order 10/26/22 - moved bags into inventory. RWT	

9/14/2022	SO-395	1ST	12:00 PM	3:30 PM	RBH	DGC	100	10 1000
9/14/2022	SO-429	1ST	12:00 PM	3:30 PM	EASY WOOD	DGC	100	5 500
9/14/2022	SO-368	1ST	12:00 PM	3:30 PM	TOA KASEI	DGC	100	120 12000
9/14/2022	SO-407	2ND	4:00 PM	11:00 PM	Ceramic-C	DGC	900	3 2700
9/14/2022	SO-394	2ND	5:00 PM	11:00 PM	Ceramic-C	DGC	900	17 15300
4:30 PM								
9/15/2022		1ST	8:00 AM		Maintenance			
9/15/2022		2ND	4:00 PM	10:30 PM	Maintenance			
4:30 PM								
9/19/2022		1ST	8:00 AM		Maintenance			
9/19/2022		2ND						
4:30 PM								
9/20/2022		1ST	8:00 AM		Maintenance			
9/20/2022		2ND			Maintenance			

Jesse and Carson fixed the curve conveyer, one of the belts for the palletizer, and are currently working the vacuum system. We cleaned the palletizer from top to bottom, fixed the leak on the green compressor, troubleshooted all the air lines, so we know which ones need fixed, cleaned up all around the tube mill, currently cleaning the tube mill motor up, cleaned out backside of the crusher, troubleshooted the green dust collector air blast as well as the little mac, inspected the gas leaks/there is one that should be taken serious, and fixed the window by the little mac.

Finished cleaning the pit from top to bottom,inventory on all production related products/still in process, donaldson cleaned out/ filters blown out, cleaning/organizing whse-b, organized orders/ staged them, working on green monsters sock filters.  
Crushed cream,did total clean out on hooper and pit again,cleaned crusher room,finished blowing filters out ,started cleaning under tube mill ,putt all rock skids inside

Cleaned all out from backside of tube mill, worked on filters for green monster, welded crack in bottom of dryer, greased the crusher, cleaned by bagger, repaired leaks on the little mac ductwork.  
Cleaned filters for big green

			4:30 PM	
9/21/2022	1ST	8:00 AM		Maintenance
9/21/2022	2ND			Maintenance
			4:30 PM	
9/22/2022	1ST	8:00 AM		Maintenance
9/22/2022	2ND			Maintenance
			4:30 PM	
9/23/2022	1ST	8:00 AM		Maintenance
			4:30 PM	
9/26/2022	1ST	8:00 AM		Maintenance
9/26/2022	2ND			Maintenance
9/27/2022	1ST	8:00 AM	4:30 PM	Maintenance
9/27/2022	2ND			Maintenance
			4:30 PM	
9/28/2022	1ST	8:00 AM		Maintenance
			4:30 PM	
9/29/2022	1ST	8:00 AM		Maintenance
9/28/2022	2ND			Maintenance

Fixed flat tire on forklift, crushed, pulled more filters out of the green monster, finished cleaning WHSE-B, fixed more leaks, leveled out big dumpster which is ready for pick up, working on dock plate, Josh, Ben, and Patrick all left at noon.

Cleaned filters for big green

Fixing air leaks, fixed dock plate, worked on air tank on 4th floor, pulled more filters out of green monster, worked on c-15 filters, and consolidated all rework bulk bags out of the way.

Cleaned filters for big green, got dock plate down and put at nw door, finished loading trash off 2nd floor

Pulled 200 filters, installed 400 filters, fixed air leaks on the vacuum system, Jim, Josh were both out, and Landry left at noon.

Installed the rest of the undamaged filters and tightened them down.

Worked on the quincy and aircel dryer. Worked on the big mac intelligent board error.

Cleaned outside under macs ,got area cleaned for instulation of scroll

Patched vacuum leaks, worked on tube mill door, messed with finding gas leaks

Cleaned top of bagger, sorted filters for big green, patched mutiple leaks on flour elevater

Fixed vacuum leaks, fixed garage door, gas leaks again, put the donaldson back together, worked on 4th floor compressor for the vibrator

Worked on vibrator compressor and got it put back together, patched vacuum leaks, painted weak spots on floor, pulled more duct down to unclog, Pat and Landry were both out all day.

Cleand 4th floor crusher elevator, flour elevator, patched more leaks



9/29/2022	2ND		Maintenance
		4:30 PM	
9/30/2022	1ST	8:00 AM	Maintenance
9/30/2022	2nd		Maintenance

Sorting out bent cages on  
filters, cleaning  
office, breakroom, production floor

Trained Ben and Jim on Cilas, worked  
on tube mill door, worked on geni,  
finished moving skids out the whse  
between A&B. Cleaned on donaldson  
some more, loaded 3 trucks, working  
on relabeling the control room and  
tagging equipment/with their breaker.  
Pat and Landry were both out all day,  
Ben left at 1.  
Worked on green monster

Date	Order #	Shift	Completed Order	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
10/3/2022		2ND				Maintenance				0							Maintenance	
					4:30 PM												Painted all grease points, worked on tube mill door, loaded container, pulled and staged orders for Sunday off of production schedule, worked on the little mac diaphragms and solenoids.	
10/3/2022		1ST		8:00 AM		Maintenance				0								
10/4/2022		2ND				Maintenance				0							worked on yale breaks	
10/4/2022		2ND				Maintenance				0							Maintenance	
10/5/2022		1ST				Maintenance				0							Maintenance	
10/5/2022		2ND				Maintenance				0							Maintenance	
10/6/2022		1ST				Maintenance				0							Maintenance	
10/6/2022		2ND				Maintenance				0							Maintenance	
10/7/2022		1ST				Maintenance				0							Maintenance	
10/7/2022		2ND				Maintenance				0							Maintenance	
10/10/2022	Stock	1ST	Yes	8:30 AM	9:00 AM	ATMO	DGC	2000	3	6000		40x48	3		Bulk	3		
10/10/2022	SO-368	1ST	Yes	12:00 AM	12:00 AM	Toa-Kasei	DGC	100	130	13000		HT Large	6		Large	30		
10/10/2022	SO-437	1ST	Yes	10:40 AM	11:00 AM	OMYA NZ	OGC	100	20	2000		HT Large	1		Large	5		These 20 should have come out of inventory?
10/10/2022	SO-410	1ST	Yes	11:10 AM	11:40 AM	TRU-SQR	PC	100	20	2000		40x48	1		Large	1		
10/10/2022	SO-423	1ST	Yes	12:00 AM	12:30 PM	North Labs	PC	100	20	2000		40x48	1		Large			
10/10/2022	SO-378	1ST	Yes	1:15 PM	2:00 PM	Granitize	AFC	100	30	3000		40x48	1		Large	1		
10/10/2022	SO-392*	1ST	Yes	2:15 PM	4:20 PM	St Gobain	AFC	50	97	4850		HT Small	1		Small	5		Packed 97/200 10/10/22
10/10/2022	SO-407	2ND	Yes	4:30 PM	12:00 AM	Ceramic	DGC	900	27	24300		40x48	30		Bulk	30	Ran DGC ,weighing pallets for an order	
10/11/2022	SO-392*	1ST	Yes	11:30 AM	1:45 PM	St Gobain	AFC	50	103	5150		HT Small	0		Small	0		finished SO-392
10/11/2022	SO-450	1ST	Yes	1:45 PM	4:00 PM	St Gobain	AFC	50	75	3750		40x48	2		Small	2		Finished SO-450
10/11/2022	Stock	1ST	Yes	4:00 AM	4:30 PM	ATMO	AFC	50	20	1000		#2 Standard	1		Small	1	Cleared Packer	
10/11/2022	SO-285-B	2ND	Yes	4:30 PM	12:00 AM	Brt abr	OGR	2000	7	14000		40x48	20		Bulk	20	Problems with burner	See Note on 10/12/2022 SO-285B
10/12/2022	SO-428	1ST	Yes	3:25 PM	4:35 PM	RBH	AFC	100	20	2000		HT Large	1		Large	1	Had trouble with the classifier and the dryer burner shut off.	
10/12/2022	SO-285-B	2ND	Yes	6:00 PM	10:45 PM	Brt abr	OGR	2000	7	14000		40x48	0		Bulk	0	System start up and clean out , cracked fitting on burner	Taking 7 from 10/11/22 & 7 from 10/12/22 and 6 from on-hand/stock to complete SO-285B
10/13/2022	SO-336	1ST	Yes	8:00 AM	4:30 PM	Reptec	C-15	75	2	150		40x48	1		Large	1	Fixed burner	
10/13/2022	SO-336	2ND	Yes	4:30 PM	9:30 PM	Reptec	C-15	75	26	1950		40x48	0		Large	0		Finished SO-285-B, Labeled and wrapped pallets , had some weight issues ,moving SO-285-B to garage
10/13/2022	Stock	2ND	Yes	9:30 PM	11:30 PM	ATMO	C-15	75	7	525		40x48	1		Large	1	Compressor kicked off a couple times	
10/14/2022	SO-428	1ST	Yes	8:00 AM	4:30 PM	RBH	AFC	100	80	8000		HT Large	4		Large	4		
10/14/2022	SO-428	2ND	Yes	4:00 PM	12:00 AM	RBH	AFC	100	115	11500		HT Large	6		Large	6		
10/17/2022	SO-428	1ST	Yes	10:30 AM	4:15 PM	RBH	AFC	100	209	20900		HT Large	13		Large	13		Finished RBH Added 24 to stock
10/17/2022	Stock	1ST	Yes	9:15 AM	10:30 AM	ATMO	AFC	900	1	900		40x48	1		Bulk	1		To stock
10/17/2022	Rework	2ND		4:30 PM	5:30 PM	ATMO	DGC	2000	1	2000		40x48	1		Bulk	1	Switch to OGR Bag was half cream and half rose	@Rob Please explain this. Did this go to stock or reworked back into different bags?
10/17/2022	Stock	2ND	Yes	5:30 PM	6:00 PM	ATMO	OGR	2000	1	2000		40x48			Bulk	1		To stock
10/17/2022	SO-269	2ND	Yes	6:00 PM	12:00 AM	Maverick	OGR	100	223	22300		40x48	12		Large	12	Product still seems to run through system a little slow, weighing richard baker order	
10/18/2022	SO-269	1ST	Yes	12:00 PM	4:30 PM	Maverick	OGR	100	77	7700		40x48	3		Large	3		Completed SO-269
10/18/2022	Stock	1ST	Yes	12:00 PM	4:30 PM	ATMO	OGR	100	3	300		40x48	3		Large	1		
10/18/2022	SO-284-A	1ST	Yes	12:00 PM	4:30 PM	Brt abr	OGR	2000	2	4000		40x48	2		Bulk	1		
10/18/2022	SO-268	2ND	No	4:00 PM	9:00 PM	Maverick	OGR	100	112	11200		40x48	6		Large	6	Burner wont stay lit	
10/19/2022	SO-268	2ND	No	8:00 AM	10:00 PM	Maverick	OGR	100	108	10800					Large		1ST/2ND/Shifts together . Repaired burner,product keeps recycling through system	
10/19/2022	SO-284-A	2ND	Yes	4:30 PM	9:30 PM	Brt abr	OGR	2000	3	6000		40x48	3		Bulk	3		
10/20/2022	SO-284-A	2ND	Yes	9:30 PM	12:00 AM	Brt abr	OGR	2000	1	2000		40x48	1		Bulk	1		Need 5 more produced to complete. Pull 9 from inventory
10/20/2022	SO-379	2ND	Yes	10:30 PM	12:00 AM	JLEA	DGR	2000	7	14000		40x48	7		Bulk	7		
10/21/2022	SO-268	1ST	No	7:50 AM	9:30 AM	Maverick	OGR	100	120	12000		40x48	6		Large	6		Still need 60 bags to complete SO-268
10/21/2022	SO-379	1ST	Yes	7:50 AM	8:00 AM	JLEA	DGR	2000	2	4000		40x48	2		Bulk	2		
10/21/2022	SO-416	2ND	Yes	4:00 PM	9:00 PM	Mark V	DGR	100	10	1000		40x48	1		Large	1		(sent wrong grade. Having wrong grade returned and will send right one)
10/21/2022	SO-357	2ND	Yes	9:00 PM	11:00 PM	Galvono	DGR	100	111	11100		HT Large	3		Large	3		Completed SO-357

10/21/2022	SO-379	2ND	Yes			JLEA	DGR	2000	4	8000	40x48	4	Bulk	4	Product still seems to run through system a little slow, a few back ups	See 10/20,21,21 - completed 13. Pull 8 from inventory
10/24/2022	SO-284-A	1ST	Yes	8:00 AM	4:00 PM	Brt Abr	OGR	2000	5	10000	40x48	5	Bulk	5		See 10/18,19,20 and pull 9 from inventory to complete order
10/24/2022	SO-286-A	1ST	No	8:00 AM	4:30 PM	Brt Abr	OGR	2000	2	4000	40x48	2	Bulk	2	Issues with product backing up,bagger chain broke	
10/24/2022	SO-286-A	2ND	No	4:30 PM	11:00 PM	Brt abr	OGR	2000	6	12000	40x48	6	Bulk	6	Issues with product backing up,bagger chain broken, extra long cleanout,crushing 2 loads of rose	
10/25/2022	SO-286-A	1ST	No	10:30 AM	4:15 PM	ATMO	OGR	2000	9	18000	40x48	9	Bulk	9	Conveyor chain belt was completed at 6:30 pm	2nd shift will pack 100# sacks of OGR
10/25/2022	SO-286-A	2ND	No	4:30 PM	7:00 PM	ATMO	OGR	2000	1	2000	40x48	1	Bulk	1		
10/25/2022	SO-329-A	2ND	Yes	7:00 PM	1:30 AM	HSIN FENG	OGR	100	160	16000	HT Large	8	Large	8	Finished helping repair packer chain,cyclone backed up, packer chain shaft came apart	
10/26/2022	SO-329-B	1ST	No	8:00 AM	4:30 PM	HSIN FENG	DGR	100	180	18000	HT Large	9	Large	9		
10/26/2022	Maint	2ND		4:30 PM	11:00 PM					0					Replaced and cleaned filters for upstairs cyclone unable to restart ,cyclone feeder wont reset	
10/27/2022	SO-329-B	1ST	No	8:00 AM	4:30 PM	HSIN FENG	DGR	100	138	13800	HT Large	7	Large	7	LIL MAC Shaft broken	
10/27/2022	Maint	2ND								0					Removed ill mac shaft,relabing and restacking order SO-329-B	

Date	Order #	Shift	Completed Order	Start Time	End Time	Customer	Grade	Size (in lbs)	Bags Made	Lbs Made	Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
0																		
11/3/2022	Stock	1ST	Yes	12:00 PM	4:00 PM	ATMO	DGR	100	80	8000		40x48	5		Large	5		Ran DGR to start because that was the last grade we ran.
11/3/2022	SO-268	1ST	No	4:00 PM	4:30 PM	Maverick	OGR	100	20	2000		40x48	1		Large	1		the finished product elevator is slow
11/3/2022	Stock	1ST	Yes	11:30 AM	12:00 PM	ATMO	OGR	2000	1	2000		40x48	1		Bulk	1		First finished product
11/3/2022	SO-268	2ND	No	4:30 PM	12:00 AM	Maverick	OGR	100	192	19200		40x48	10		Large	10		System still backing up product cyclone backing
11/3/2022	Stock	2ND	Yes	5:30 PM	12:00 AM	ATMO	OGR	2000	1	2000		40x48	1		Bulk	1		

Date	Order #	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
4/3/2023	SO-316	Yes	8:05 PM	4:00 PM	PRIOR	OGR	100	320	32000		HT Large	16		Large	32		
4/4/2023	SO-316	Yes	8:00 AM	12:00 PM	PRIOR	OGR	100	172	17200		HT Large	9		Large	9	Finished The order of 1272 - 100# bags	
4/4/2023	SO-323-A	Yes	12:00 PM	4:00 PM	Dr. Badawi	OGR	100	160	16000		HT Large	8		Large	8	Keeping the material hot I believe to be the key to proper flow through the machinery. The material is lighter and fluffier and flows smoothly.	
4/5/2023	SO-323-A	Yes	12:30 PM	4:00 PM	Dr. Badawi	OGR	100	131	13100		HT Large	6		Large	6	Did scheduled Maintenance this morning.	Numbers corrected to 131 bags produced
4/6/2023	SO-323-A	Yes	8:00 AM	10:00 AM	Dr. Badawi	OGR	100	109	10900		HT Large	5		Large	5		
4/6/2023	SO-323-B	Yes	8:00 AM	4:00 PM	Dr. Badawi	OGR	100	269	26900		HT Large	7		Large	10		
4/7/2023	SO-323-B	Yes	8:00 AM	4:00 PM	Dr. Badawi	OGR	100	131	13100		HT Large	7		Large	7	Gas line was hit by workers (not involved with the facility) took an hour to get mill back up and running. Bagging issues due to the System was clogged	
4/10/2023	SO-325	Yes	8:00 AM	3:30 PM	VANA	OGR	100	160	16000		HT Large	8		Large	12	Extra Airvalves shut off causing packer issues, clogged system. Bearing replacement on packer drive screw. Excess material around bagger. Need 40 more bags to complete. 3:30-4:30 cleanup	Had to break away for an hour to unload the pallet delivery.
4/10/2023	Stock	Yes	12:15 PM	12:30 PM	ATMO	OGR	2000	1	2000		#2 Standard	1		Large	1	Had to fill a bulk bag to clear the packer hopper in order to repair impeller bearing.	
4/11/2023	SO-325	Yes	8:00 AM	10:00 AM	VANA	OGR	100	40	4000		HT Large	2		Large	3		
4/11/2023	SO-558	Yes	10:00 AM	3:30 PM	Maverick	OGR	100	187	18700		40x48	10		Large	10		
4/28/2023	SO-326	Yes	9:00 AM	1:45 PM	Shanghi EB	OGR	100	400	40000		HT Large	20		Large	20	Burner finally quit acting up and ran good the rest of the day	
4/28/2023	SO-328	Yes	1:45 PM	2:45 PM	Osborn Shang	OGR	100	120	12000		HT Large	6		Large	6	Stop feeding to work on a couple of areas and do the Friday clean up.	We'll finish SO-558 on Monday 5/1 if all goes well then get back on SO-328
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Date	Order #	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken/Trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
5/1/2023	SO-558	Yes	10:00 AM	3:15 PM	Maverick	OGR	100	400	40000	2	40x48	20		Large	20	Door left off of tube mill from the weekend.	
5/2/2023	SO-326	Yes	10:00 AM	3:30 PM	Osborn Shang	OGR	100	240	24000	2	HT Large	12		Large	12	Green box return scroll needed two new hanger bearings	Labeled, wrapped and weighed the rest of SO-323 so we could stack and make room for next order. Air sampled today.
5/2/2023	STOCK	Yes	3:30 PM	3:45 PM	ATMO	OGR	2000	2	4000		40x48	2		Large	2	Ran out of bags. Old bags were buried by the new bags. Had to dig out.	Packer hopper got full so Jim filled two bulk bags. Tried to get out on the rail ramp for fresh air. Hopefully our air samples will be good.
5/4/2023	SO-559	Yes	9:00 AM	4:00 PM	Maverick	OGR	100	400	40000	3	40x48	20		Large	20	Finished the Tube mill. Packing product at 9am.	Run product then labeled bags, run product then labeled bags. Did shipping prep as a rest break.
5/5/2023	SO-560	Yes	8:00 AM	1:00 PM	Maverick	OGR	100	180	18000	2	40x48	9		Large	35	Spent the rest of the day preparing ordewrs for shipment	
5/8/2023	SO-560	Yes	8:00 AM	2:00 PM	Maverick	OGR	100	140	14000	3	40x48	7		Large	35	Finished the OGR portion of SO-560	
5/8/2023	SO-560	Yes	2:00 PM	3:00 PM	Maverick	DGR	100	40	4000	1	40x48	2		Large	10	Need two more pallets (40 bags) to finish SO-560	four of the blades on the blower fan of the Big MAC broke off and we had to shut down.
5/9/2023	SO-560	Yes	9:30 AM	11:30 AM	Maverick	DGR	100	40	4000	1	40x48	2		Large	10	finished SO-560	
5/9/2023	SO-328	No	11:30 AM	4:00 PM	Osborn Shang	OGR	100	160	16000	4	HT Large	8		Large	8	Did not want to over feed the hammer mill due to the Big Mac out of service	Hammer mill did not dust as expected. Will run heavier loads.
5/10/2023	SO-328	No	1:30 PM	4:30 PM	Osborn Shang	OGR	100	20	2000	2	HT Large	1		Large	1	Had trouble with the Little MAC blowing extra dust. Donaldson has three blown filters and the air flow gage was reading 10.1	
5/11/2023	SO-328	No	8:00 AM	4:00 PM	Osborn Shang	OGR	100	320	32000	8	HT Large	16		Large	15	MSHA stopped by. Gave a good safety talk to the crew. Little MAC fan was making a vibrating noise. Loose damper gate.	One man short today. The raw product does not seem to be very dusty.
5/12/2023	SO-328	No	8:00 AM	3:00 PM	Osborn Shang	OGR	100	180	18000	11	HT Large	9		Large	9	Donaldson filter shut down. Had to clean out and reset. Too much rework product clogged the finished product pipe, twice. Spent an hour each time beating on pipes to get the material through.	Thought the clogging problem may have been classifier related. Spent time examining that piece of machinery as well. Greased while we were there. 1320 more to go.
5/15/2023	SO-328	No	8:00 AM	10:30 AM	Osborn Shang	OGR	100	40	4000	0	HT Large	2		Large	2	The Donaldson filter kept switching to clean mode. The suction fan shut off and would not pull the overflow from the packer nozzle.	The finished product vacuum hopper would not operate properly.
5/19/2023	SO-328	No	1:00 PM	6:00 PM	Osborn Shang	OGR	100	220	22000	3	HT Large	11		Large	11	Got the Donaldson running very well.	New hires worked out real good. I hope they stay with us.
5/20/2023	SO-328	Yes	8:00 AM	4:00 PM	Osborn Shang	OGR	100	420	42000	2	HT Large	21		Large	21	Machinery ran good today. SO-328-C&D are complete.	
5/22/2023	SO-328	Yes	8:00 AM	5:00 PM	Osborn Shang	OGR	100	440	44000	4	HT Large	22		Large	22	Machinery ran good today as well. The lovejoy on the packer conveyor busted a tooth right as we were ending.	
5/23/2023	SO-328A	Yes	8:00 AM	10:00 AM	Osborn Shang	DGR	100	60	6000		HT Large	3		Large	3	SO-328	

5/24/2023	SO-328A	Yes	2:00 PM	5:15 PM	Osborn Shang	DGR	100	140	14000	HT Large	7	Large	7	Replaced the belt on the dryer feed conveyor. Repaired the packer conveyor lovejoy.	Stayed late to pack product and try to salvage the day.
5/25/2023	SO-328A	Yes	8:00 AM	11:30 AM	Osborn Shang	DGR	100	200	20000	HT Large	10	Large	10		
5/25/2023	SO-328B	Yes	11:30 AM	4:30 PM	Osborn Shang	DGR	100	300	30000	HT Large	15	Large	15	Had a good day. 100 more bags will finish SO-328B	
5/26/2023	SO-328B	Yes	8:00 AM	11:00 AM	Osborn Shang	DGR	100	100	10000	HT Large	5	Large	5	Clogged up the hammer mill and at the same time tore the pick belt feeder to the hammer mill. down two hours.	
5/26/2023	SO-329	Yes	1:00 PM	4:00 PM	Hsin-Feng	DGR	100	160	16000	HT Large	8	Large	8	Ran pretty good.	
5/30/2023	SO-329	Yes	8:00 AM	12:00 PM	Hsin-Feng	DGR	100	160	16000	HT Large	8	Large	8	Ran pretty good.	
5/30/2023	SO-329	Yes	12:00 PM	1:30 PM	Hsin-Feng	OGR	100	80	8000	HT Large	4	Large	4		
5/30/2023	SO-331*B	Yes	1:30 PM	2:30 PM	Briter Eng	OGR	100	60	6000	HT Large	3	Large	3	Hammer mill plugged up and pushed the screens too low and had to rebuild the screen carriage.	
5/31/2023	SO-331B	Yes	9:30 AM	4:30 PM	Briter Eng	OGR	100	140	14000	HT Large	7	Large	7	Got the hammer mill put back together at 9am. Began feeding and sack first bag at 9:30am. fed too hard and plugged hammer mill twice. By 1pm the crew had solved the clogging problem.	
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Date	Order #	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
6/1/2023	SO-331 OGR	Yes	8:15 AM	4:30 PM	Briter Eng	OGR	100	390	39000	4	HT Large	20		Large	20	Loaded four outgoing containers	
6/2/2023	SO-331 OGC	Yes	10:30 AM	4:30 PM	Briter Eng	OGC	100	270	27000	18	HT Large	13		Large	13	Took a while for the burner and feed rate to adjust to the cream. The high number of scrap bags was from doing clean up.	
6/2/2023	SO-591	Yes	9:00 AM	10:00 AM	Nrthn Labs	DGC	100	29	2900		40x48	1		Large	6		
6/2/2023	SO-445	Yes	10:00 AM	10:30 AM	CE Bradley	DGC	100	20	2000		40x48	1		Large	1		
6/5/2023	SO-336 OGR	Yes	9:00 AM	2:00 PM	REPTEC	OGR	100	220	22000	5	40x48	11		Large	11	Cleared the OGC out first	
6/5/2023	SO-336 DGR	Yes	2:00 PM	4:15 PM	REPTEC	DGR	100	120	12000		40x48	6		Large	6		
6/5/2023	Stock	Yes	8:00 AM	9:00 AM	ATMO	OGC	100	12	1200		40x48	1		Large	1	Clear the system	
6/5/2023	Stock	Yes	8:00 AM	9:00 AM	ATMO	OGR	100	28	2800		40x48	1		Large	1	Clear the system	
6/7/2023	SO-336 DGR	yes	1:00 PM	2:30 PM	REPTEC	DGR	100	60	6000	7	40x48	3		Large	3	Got the bearings installed on the burner fan shaft and fired up.	
6/7/2023	SO-337 DGR	Yes	2:30 PM	4:15 PM	REPTEC	DGR	100	140	14000	2	40x48	7		Large	7	Stayed on DGR	
6/8/2023	SO-337 DGR	Yes	8:00 AM	11:00 AM	REPTEC	DGR	100	60	6000	8	40x48	3		Large	3	Reworked several busted bags	
6/8/2023	SO-337 OGR	Yes	11:00 AM	2:30 PM	REPTEC	OGR	100	220	22000	6	40x48	11		Large	11	Finished SO-337. Reworked more torn bags. Switched to 50# bags	
6/8/2023	SO-360 OGR	Yes	2:30 PM	4:00 PM	Osborn OH	OGR	50	135	6750		40x48	3		Large	3	We'll finish the OGR portion on 6/9/2023. Clogged up the finished product pipe and had to beat on it for an hour. 5 pattern - 9 high	
6/9/2023	SO-360 OGR	Yes	8:00 AM	3:00 PM	Osborn OH	OGR	50	225	11250		40x48	5		Large	5	The sheave pulley came off of the burner fan drive shaft. Maintenance took 3 hours to re-install. 5 pattern - 9 high	
6/9/2023	SO-360 DGR	Yes	3:00 PM	4:15 PM	Osborn OH	DGR	50	150	7500		40x48	3		Large	3	5 pattern - 10 high	
6/12/2023	SO-360 DGR	Yes	8:00 AM	10:30 AM	Osborn OH	DGR	50	250	12500		40x48	5		Large	5		
6/12/2023	SO-339	Yes	10:30 AM	4:00 PM	Jackson Lea OH	DGR	50	280	14000		40x48	7		Large	7	Had to shut down to examine the Little MAC to find out why excessive dusting occurred 2.5 hours. DNR lady came by.	
6/13/2023																Little MAC began excessive dusting. Took it apart three times.	
6/14/2023	SO-339	Yes	8:45 AM	11:45 AM	Jackson Lea OH	DGR	50	280	14000		40x48	7		Large	7		
6/14/2023	SO-346	Yes	11:45 AM	2:30 PM	Osborn OH	DGR	50	160	8000		40x48	4		Large	4	Running good then the Little MAC began heavily dusting. Police came. Had to shut down and try to find the problem again.	Called the DNR to let them know we're working on the dust problem.
6/15/2023	SO-346	Yes	8:00 AM	1:15 PM	Osborn OH	DGR	50	400	20000		40x48	10		Large	10	Drive chain busted on the main flour elevator. Down 45 min.	
6/15/2023	SO-361 DGR - Moved to a later date	Yes	1:15 PM	4:30 PM	moved to stock	DGR	100	200	20000		40x48	10		Large	10	Little MAC lasted the day. hopefully it will continue.	Finished the DGR portion of this order.
6/16/2023	SO-355	Yes	8:00 AM	4:30 PM	Zephyr	DGR	100	300	30000		40x48	15		Large	15		
6/16/2023	SO-625 DGR	Yes	8:00 AM	4:30 PM	BAF Ind	DGR	100	14	1400		40x48	1		Large	1	3 people short. Finished product cyclone tube clogged up. down about 45 minutes.	Little MAC belched a cloud every now and then. No one complained.
6/19/2023	SO-355	Yes	8:00 AM	10:00 AM	Zephyr	DGR	100	100	10000		40x48	5		Large	5	Ready to ship.	
6/19/2023	SO-361 OGR - Moved to a later date	Yes	10:00 AM	2:00 PM	moved to stock	OGR	100	160	16000		40x48	8		Large	8	Finished product cyclone began blowing excessive amounts of product from the exhaust port. Maintenance is adjusting and refitting filter socks.	
6/20/2023	SO-361 OGR - Moved to a later date	Yes	8:00 AM	9:30 AM	moved to stock	OGR	100	60	6000		40x48	3		Large	3	SO-361 OGR & DGR is complete and ready to ship	
6/20/2023	SO-362 OGR - moved to a later date	Yes	9:00 AM	2:30 PM	moved to stock	OGR	100	340	34000		40x48	11		Large	11	OGR portion of SO-362 Complete	
6/20/2023	SO-362 DGR - moved to a later date	Yes	2:30 PM	4:30 PM	moved to stock	DGR	100	100	10000		40x48	5		Large	5	DGR portion of SO-362	



6/21/2023	SO-362DGR - moved to a later date	Yes	2:00 PM	4:30 PM	moved to stock	DGR	100	100	10000	40x48	5	Large	5	Slow start after doing PM today. SO-362 OGR & DGR is complete.
6/22/2023	SO-364DGR - moved to a later date	Yes	8:00 AM	12:30 PM	moved to stock	DGR	100	200	20000	40x48	10	Large	10	Completed DGR portion of SO-364
6/22/2023	SO-363DGR - moved to a later date	Yes	12:30 PM	4:30 PM	moved to stock	DGR	100	120	12000	40x48	6	Large	6	Bolts came out of the lower shaft coupling of the classifier return G40. Down about 45 minutes.
6/23/2023	SO-363DGR - moved to a later date	Yes	8:00 AM	1:45 PM	moved to stock	DGR	100	300	30000	40x48	15	Large	15	Completed
6/23/2023	SO-367	Yes	1:45 PM	4:00 PM	Sumadjaja	DGR	100	120	12000	HT Large	6	Large	6	These pallets are being weighed. Mill ran pretty good.
6/24/2023	SO-367	Yes	7:00 AM	12:00 PM	Sumadjaja	DGR	100	280	28000	HT Large	14	Large	14	Complete. Weighed Tanks are down to their cones.
6/26/2023	SO-368DGR	Yes	8:00 AM	9:30 AM	Toa Kasi	DGR	100	40	4000	HT Large	2	Large	10	Flex duct from burner to bed dryer blew out and most of the hot air was escaping and not able to dry the material. Have made arrangements to repair.
6/27/2023									0					Burner/dryer joint repair
6/28/2023	SO-368DGR	Yes	2:00 PM	4:30 PM	Toa Kasi	DGR	100	20	2000	HT Large	1	Large	5	Completed the burner/dryer joint repair. Ran one pallet after testing. Plugged up the hammer mill.
6/29/2023	SO-368DGR	Yes	9:45 AM	10:30 AM	Toa Kasi	DGR	100	42	4200	HT Large	2	Large	10	Hammer mill plugged up because the plate adjustment chains broke. Had to dig out material and replace/repair chain. Two extra bags for previous order. Switched to OGR
6/29/2023	SO-364OGR - moved to later date	Yes	10:30 AM	4:00 PM	moved to stock	OGR	100	220	22000	40x48	11	Large	11	
6/29/2023	SO-368OGR	Yes	4:00 PM	4:15 PM	Toa Kasi	OGR	100	20	2000	HT Large	1	Large	5	
6/30/2023	SO-368OGR	Yes	8:00 AM	12:00 PM	Toa Kasi	OGR	100	160	16000	HT Large	8	Large	40	The screen plate adjustment chain busted again. Took all afternoon to dig out and repair.

Data don't delete	Date	Order #	Shift	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
Yes	7/3/2023	SO-373 - Moved to a later date		Yes, At a later date	7:00 AM	1:45 PM	Moved to STOCK	OGR	100	320	32000	2	40x48	16	0	Large	16	Shaker screen breaker tripped. Reset breaker. Overloaded	
No	7/3/2023	SO-377-A		Yes, At a later date	1:45 PM	4:00 PM	Bright Abrasives	OGR	2000	4	8000		40x48	4	0	Large	4		
Yes, At a later date	7/5/2023	SO-373 - Moved to a later date		Yes	9:00 AM	10:30 AM	Moved to STOCK	OGR	100	100	10000	1	40x48	5	0	Large	5	Maintenance repaired the packer conveyor	
	7/5/2023	SO-372 -moved to a later date		Yes, At a later date	10:30 AM	4:15 PM	Moved to STOCK	DGR	100	240	24000	5	40x48	12	0	Large	12	Switching to DGR backed up the classifier for a couple of minutes.	Let the system clear out a little longer for the switch to DGC on 7/6.
OGR	7/6/2023	SO-372 -moved to a later date		Yes, At a later date	1:00 PM	4:30 PM	Moved to STOCK	DGR	100	80	8000	2	40x48	4	0	Large	4	After MSHA left and maintenance repaired a junction box on the west end of the packer. We finally got going. Short one maintenance man and one mill assoc.	
DGR	7/7/2023	SO_368DGC		Yes	2:15 PM	4:00 PM	Toa Kasei	DGC	100	50	5000		HT Large	2	0	Large	10	The G-40 green box return scroll had a busted coupling shaft which resulted in the green box filling up with product. Repaired the shaft and dug out the green box and fired up at 1pm.	Using 80 of an old Toa Kasei order of DGC from October 2022 to complete the order.
AFR	7/7/2023	SO-372 -moved to a later date		Yes, At a later date	1:00 PM	2:15 PM	Moved to STOCK	DGR	100	40	4000	2	40x48	2	0	Large	2	cleared the system	
Trifil-R	7/7/2023	Stock		Yes	4:00 PM	4:15 PM	ATMO	DGC	100	20	2000	0	HT Large	1	0	Large	1		

PR	7/10/2023	SO-372 - moved to a later date	Yes	9:45 AM	2:15 PM	Moved to STOCK	DGR	100	60	6000	40x48	3	Large	3	The push button switch fell out of the Main rose tank switch box in the control room. In the process of repairing, a wire lead touched ground and shorted out blowing a fuse and breaker. Still not able to run the feed belt for the main rose tank. fed the belt by hand.
R-45	7/10/2023	SO-368DGC	Yes	8:15 AM	9:45 AM	Toa Kasei	DGC	100	40	4000	HT Large	2	Large	10	Jim got confused and continued DGC for 2 pallets. Then switched to DGR.
R-30	7/10/2023	SO-417	Yes	2:15 PM	2:45 PM	Stutz	DGR	100	20	2000	40x48	1	Large	1	
R-15	7/11/2023	SO-377-A	Yes, At a later date	10:45 AM	11:30 AM	Bright Abrasives	OGR	2000	1	2000	40x48	1	Large	1	Found the fuse box with the burnt fuses at 10:00am
R-10	7/11/2023	SO-385 - Moved to a later date	Yes, At a later date	11:30 AM	4:00 PM	Moved to STOCK	OGR	100	200	20000	40x48	10	Large	50	Pick-belt and feeders are now functioning
R-6	7/12/2023	SO-385 - Moved to a later date	Yes, At a later date	12:00 PM	5:00 PM	Moved to STOCK	OGR	100	160	16000	40x48	8	Large	40	Began running after maintenance.
OGC	7/13/2023	SO-385 - Moved to a later date	Yes	8:00 AM	10:30 AM	Moved to STOCK	OGR	100	80	8000	40x48	4	Large	20	Complete
DGC	7/13/2023	SO-401	Yes	10:30 AM	12:30 PM	Phoenix	OGR	100	100	10000	40x48	5	Large	5	Complete
AFC	7/13/2023	SO-403A	Yes, At a later date	12:30 PM	2:30 PM	East Best	OGR	100	40	4000	HT Large	2	Large	10	Packer impeller began to leak. Jim went to check on sock filter on the 4th floor. Got hot and the crew left at 3:30
Trifil-C	7/14/2023	NA		8:00 AM	4:30 PM	NA				0					NO PRODUCTION DUE TO JIM REMOVING ALL
	7/17/2023	SO-403-A	Yes, At a later date	9:00 AM	3:00 PM	East Best	OGR	100	220	22000	HT Large	11	Large	55	From 8am to 9am maintenance and Jim finished the cyclone on 4th floor
C-45	7/17/2023	SO-607	Yes	3:00 PM	3:30 PM	Unv. Photon	OGR	100	20	2000	40x48	1	Large	5	

C-30	7/17/2023	SO-377A	Yes, At a later date	3:30 PM	3:45 PM	Bright Abrasives	OGR	2000	1	2000	40x48	1	Large	1	Unload the packer hopper and started rework for SO-486
C-15	7/18/2023	Stock	Yes	9:00 AM	11:45 AM	ATMO	DGR	100	120	12000	40x48	1	Large	1	Did rework for one hour while the burner was getting hot. John don't forget to add these to the "To From Stock tab"
C-10	7/19/2023	SO-419	Yes, At a later date	12:45 PM	4:15 PM	Osborn Mex	DGR	100	120	12000	40x48	6	Large	6	Maintenance day. Fired up and packing at 12:45
C-5	7/20/2023	SO-419	Yes	8:30 AM	1:00 PM	Osborn Mex	DGR	100	145	14000	40x48	7	Large	7	
50	7/20/2023	SO-377-A	Yes	11:00 AM	11:05 AM	Bright Abrasives	DGR	2000	1	2000	40x48	1	Large	1	
60	7/20/2023	SO-420	Yes	1:15 PM	4:10 PM	Osborn Mex	OGR	100	140	14000	40x48	7	Large	1	
75	7/21/2023	SO-422	Yes	8:00 AM	10:45 AM	Osborn Mex	OGR	100	135	13500	40x48	7	Large	7	Comingled a pallet of 15 OGR with 5 DGR
90	7/21/2023	SO-421	No	11:15 AM	4:00 PM	Osborn Mex	DGR	100	145	14500	40x48	7	Large	7	Power got knocked out at 3pm. Set us back about 45 minutes.
100	7/21/2023	Stock	Yes	10:45 AM	11:15 AM	ATMO	OGR	100	20	2000	40x48	1	Large	1	Did not change classifier in time over to DGR.
900	7/24/2023	SO-448	Yes	8:00 AM	8:45 AM	Osborn OH	OGR	2000	2	4000	40x48	2	Large	2	Breaker tripped on the packer. down for a bit.
2000	7/24/2023	SO-536	Yes, At a later date	8:45 AM	4:00 PM	Osborn-Bulk	OGR	2000	17	34000	40x48	17	Large	17	Little MAC filter unit blew out a filter. Shut down for approx 45 min.
	7/25/2023	SO-536	Yes	6:15 AM	8:00 AM	Osborn-Bulk	OGR	2000	4	8000	40x48	4	Large	4	Completed. Impeller for the packer nozzle locked up. Continued with bulk bags for SO-377-A
	7/25/2023	SO-377-A	Yes, At a later date	8:15 AM	1:45 PM	Bright Abrv	OGR	2000	6	12000	40x48	6	Large	6	Burner shut off at 1:30 PM..Air flow switch fault, unable to remedy as of yet. unloaded HT pallets..1 Hour
#2 Standard	7/26/2023	SO-377-A	Yes	10:15 AM	2:00 PM	Bright Abrv	OGR	2000	7	14000	40x48	7	Large	7	Maintenance day. Started at 6am. Ryan & Jim fixed the burner issues. Jeremy repaired the packer.
40x48	7/27/2023	SO-490	Yes	11:15 AM	11:30 AM	Northern	OGR	100	20	2000	40x48	1	Large	5	Complete.

HT Large	7/27/2023	SO-403A	Yes	6:15 AM	11:15 AM	Shang East Best	OGR	100	140	14000	HT Large	7	Large	5	A finish up order from yesterday
	7/27/2023	SO-441	Yes	11:30 AM	2:00 PM	Koyo- Sha	OGR	100	90	9000	HT Large	5	Large	35	Finished
	7/27/2023	SO-377-B	Yes, At a later date	2:00 PM	2:30 PM	Bright Abrasives	OGR	2000	2	4000	40x48	2	Large	2	Dryer/burner duct got hot and shutdown for 45 minutes. Product began spilling from impeller shaft bearing. Down 30 min. Took longer break when temp exceeded 95 outside. About 11:30 am.
Small	7/28/2023	SO-377-B	Yes, At a later date	6:30 AM	2:15 PM	Bright Abrasives	OGR	2000	16	32000	40x48	16	Large	16	Crew members were selected for air test. Old testing equipment malfunctioned. Material moved slow coming from holding tanks. Truck for SO_637 was late. Took driver 30 minutes to get backed up to the dock. Ron C. and John stayed late to load and finish rework of SO-533 & 534
Large	7/31/2023	SO-377-B	Yes	6:30 AM	8:00 AM	Bright Abrasives	OGR	2000	2	4000	40x48	2	Large	2	Rough start from an all night rain.
Laminated	7/31/2023	SO-404	Yes, At a later date	7:30 AM	1:40 PM	EAsT Best	OGR	100	260	26000	HT Large	13	Large	5	Shut down an hour early because of heavy dust from Little MAC. Maintenance cleaned filters then reinstalled.
12:00 AM															
11:59 PM															

Data don't delete	Date	Order #	Shift	Complete the Order?	Start Time	End Time	Customer	Material Grade	Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type	Slip Sheets Used	Major Downtime Events	NOTES
Yes	8/1/2023	SO-404		Yes	9:00 AM	2:00 PM	East Best	OGR	100	140	14000		HT Large	7		Large	42		
No	8/1/2023	SO-403B		Yes, at a late	2:00 PM	2:30 PM	East Best	OGR	100	20	2000		HT Large	1		Large	5		Control room operator was absent. Start-up instructions were missing a procedure for starting the classifier. Remedied the instructions.

90  
100  
900  
2000

#2 Standard  
40x48  
HT Large

Small  
Large  
Laminated

12:00 AM  
11:59 PM



## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce the document, attached hereto as Exhibit A, which was produced by Respondent in docket CENT 2023-0196 in response to discovery, for the time period of January 1, 2022 through August 1, 2023. As the time period of November 3, 2022 through March 31, 2023 has already been produced in Exhibit A, to the extent it is easier to exclude these time periods from this production, that is acceptable.

RESPONSE: Attached is the document, labeled “Daily Production JAN 2022 - NOV 3 2022 AND APR 2023 - AUG 2023.xlsx” with the time periods as requested, January 1, 2022 – November 3, 2022, and April 1, 2023 – August 1, 2023.





RB

Rob >

Thanks man.

Wed, Apr 12, 9:00 PM

No work tomorrow. We're trying to get us back in the building.

👍 to "No work tomorrow. We're trying to get us back in the building. "

Ok we can go into the building just no electric and we can load trucks and he would probably let us turn the wrapper on if I call him to finish that order for shipment if they don't figure crap out I can check and work at least getting that ready Friday if he would at least like that done since he has to pay us anyway



Text Message



April 14

John Spears 4/14 8:18 AM

JS

We're headed to the PFT test now.

From Rob.



Looks like we are in titled to up to a week pay because nothing was done about the safety situation until we were under the withdrawal. But legally have to pay us for the 12 hrs then we all file for the other hours and technology we ran illegal on Monday and Tuesday. Don't really want to have to file with msha but we the mine workers were not at fault

4/14 8:59 AM

I cant see the attachment.

John Spears 4/14 9:08 AM

JS

#### Miners' Representatives - Participating in Inspections

Your miners' representative has the right to accompany an MSHA inspector during activities that involve enforcement of health and safety standards and to participate in conferences before and after the inspection occurs.

Your representative participates in our inspection without loss of pay under certain circumstances.

Every shift should have a miners' representative available to participate in an inspection. If there is no representative available at your mine, two or more miners may select one to travel with the MSHA inspector. Should you decide not to select a representative (or a representative is not available) the MSHA inspector will talk with a reasonable number of miners about health and safety matters at the mine.

#### Reporting Possible Violations and Imminent Dangers

You may tell MSHA at any time about a violation of the Act, violation of health and safety standards, or the existence of an imminent danger. You can do this by word of mouth or by calling or writing any MSHA inspector or office. Your identity remains confidential. To report a mine accident or a mine hazard, "One Call Does It All" at 1-800-746-1553.

#### Can I Receive Pay If I Miss Work Because of a Withdrawal Order?

If:

You are working on the shift when a withdrawal order is issued and you are idled by the withdrawal order, you are entitled to full regular pay for the time lost, but only for the balance of the shift.

The order is not terminated before the next shift, all the miners on the next shift are entitled to be paid at their regular rate for the time they are idled, up to four hours.

You are withdrawn from the mine or part of the mine and idled because the operator does not comply with any mandatory safety or health standard, you are to be paid for lost time at your regular rate for the time you are idled, or for one week, whichever is the lesser.

The operator fails to comply with a withdrawal order issued under the Act and keeps you working in the area to which the order applies, you are entitled to receive double pay for the time you worked while the withdrawal order was in effect. NOTE: If you are working to correct the condition that resulted in the withdrawal order, then you are not working in violation of the order and are not entitled to double pay.

You or your representative believe you are entitled to compensation, and have not been paid, you must file a complaint with the Federal Mine Safety and Health Review Commission. Your complaint must be filed within 90 days after the idle period began or should have begun. For additional information, please visit the Commission's Web site at [www.fmshrc.gov](http://www.fmshrc.gov).

#### Training (Part 48 and Part 46)

Here it is.

4/14 9:09 AM

Yes, I understand...

#### 30 CFR § 104.2 - Pattern criteria.

##### § 104.2 Pattern criteria.

(a) For each violation, the MSHA inspector will determine if the violation is a pattern violation. A pattern violation is one that is repeated, systematic, or willful.

(b) The following are examples of pattern violations:

- (1) Repeated violations of the same or similar nature.
- (2) Repeated violations of the same or similar nature occurring over a period of time.
- (3) Repeated violations of the same or similar nature occurring in the same area.
- (4) Repeated violations of the same or similar nature occurring in the same shift.
- (5) Repeated violations of the same or similar nature occurring in the same mine.
- (6) Repeated violations of the same or similar nature occurring in the same district.
- (7) Repeated violations of the same or similar nature occurring in the same region.
- (8) Repeated violations of the same or similar nature occurring in the same country.

(c) If the MSHA inspector determines that a violation is a pattern violation, the inspector will issue a citation for the violation.



<https://www.law.cornell.edu/cfr/text/30/104.2>



30 CFR § 104.2 - Pattern criteria. X

www.law.cornell.edu

Check the ATMO Safety chat... Jessie was inquiring as well.

John Spears 4/14 9:11 AM

JS

Looks good.

4/14 9:12 AM

By all means, if Rob thinks we did something "illegal", then he should bring it up...

From Rob:

Looks like we are in titled to up to a week pay because nothing was done about the safety situation until we were under the withdrawal. But legally have to pay us for the 12 hrs then we all file for the other hours and technology we ran illegal on Monday and Tuesday. Don't really want to have to file with msha but we the mine workers were not at fault

Again, it isnt that the 104(b) states we cannot work in the Mill. It states that we cannot create the hazard, aka create a dusty atmosphere.



We can pay the guys to come in an do other things... but this is as I mentioned previously... we need them to be productive towards production...

John Spears 4/14 9:13 AM

JS

Russell Tidaback 4/14/2023, 9:12 AM

We can pay the guys to come in an do other things... but this is as I mentioned previously... we need them to be productive towards...

Yes I agree.

4/14 9:14 AM

expect a MSHA complaint when Rob is let go... the writing is on the wall.

John Spears 4/14 9:15 AM

JS

Russell Tidaback 4/14/2023, 9:14 AM

expect a MSHA complaint when Rob is let go... the writing is on the wall.

Yes sir, I see that same writing.

4/14 9:16 AM

Lets have our meeting rescheduled to this afternoon, since you are at an exam.



Jordan Tidaback 4/14 9:16 AM



ok

John Spears 4/14 9:16 AM

JS

Yes sir.

4/14 9:18 AM

Rob's termination will be based on production performance, not following guidance given by management, not ensuring the safety of the mill associated by utilizing the proper controls, etc. He doesn't have to sign it, we just need to have a document of why he was let go.

John Spears 4/14 9:56 AM

JS

Russell Tidaback 4/14/2023, 9:18 AM

Rob's termination will be based on production performance, not following guidance given by management, not ensuring the safety...

Yes sir.

John Spears 4/14 12:10 PM

JS

**Russell Tidaback** We are back at the mill. @

I emailed Mr. Markeson and said I would be here until 5:30pm.

4/14 12:14 PM

Did he say he'd be coming to the mill?

I got your email... sorry.

John Spears 4/14 12:15 PM

JS

He would today but it would be after hours.



# AMERICAN TRIPOLI

**Mailing Address:** 2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:** 5 Oneida Street, Seneca,  
MO 64865

April 17, 2023, 9:00 AM

Dear Robert Baumann,

I regret to inform you that your employment with American Tripoli will be terminated effective immediately due to poor performance, lack of leadership skills, and for failure to follow procedures and guidance given by your supervisor.

We have made several attempts to address these issues with you through coaching, feedback sessions and open communication channels, but unfortunately, we have not seen any improvement in your performance and the data reflects this.

Please note that you will receive your final paycheck, as scheduled, on the upcoming pay date, which will include any accrued benefits owed to you.

I am very disappointed that this opportunity did not work out as I had high hopes for you.

If you have any questions or concerns about this decision, please do not hesitate to contact me.

Sincerely,

*Russell Tidaback*

Russell Tidaback  
Managing Member  
American Tripoli

Ccd:  
John Spears  
Operations Manager  
American Tripoli

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2OCT2023

U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, MO 64108  
Attorneys for the Secretary  
Laura Oreilly  
oreilly.laura.m@dol.gov  
Elaine Smith  
smith.elaine.m@dol.gov

Dear Ms. Laura Orielly,

Responding to the interrogatories, requests for production of documents, and requests for admission on behalf of Respondent American Tripoli:

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** State the facts you contend support your claim that you did not violate Section 105(c) of the of the Mine Act, 30 U.S.C. § 815(c), by terminating Robert Baumann.

**ANSWER:** The termination of Mr. Robert Baumann was not related to his engagement in protected activities under the Mine Act, but rather due to his consistently poor performance and the necessity for an appropriate timing of a new hire to replace him.

1. **Performance Issues:** Throughout Mr. Baumann's employment at American Tripoli, there were ongoing documented performance issues that were discussed for months prior to his termination. These issues included concerns about his competence, work ethic, and ability to fulfill his role as a shift lead. The decision to terminate Mr. Baumann's employment was primarily based on his performance during his tenure at American Tripoli. Numerous personal notes and discussions over the months prior to his termination demonstrate that his job performance was consistently unsatisfactory. These records attest to his inability to perform his duties satisfactorily as a shift lead, including failing to ensure proper work was completed within his specified work group, missing deadlines, and displaying an inability to accept

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Exhibit P-39, Page 0001

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and provide feedback to his team members.

Mr. Baumann consistently demonstrated incompetence and a poor work ethic, as evidenced by the excessive number of citations received for his area of responsibility during his relatively short employment with American Tripoli.

2. **Replacements and Competency:** American Tripoli made multiple efforts to find a suitable replacement for Mr. Baumann. The hiring of Mr. David Daigle in April 2022 was part of these efforts. Unfortunately, Mr. Daigle resigned a week later. Subsequent hires in August 2022 (Mr. Will Shallenburger), November 2022 (Mr. Richard McClelland), and March 2023 (Mr. Alex Snodgrass) were also made in an attempt to replace Mr. Baumann, each candidate demonstrating greater competency and leadership skills than Mr. Baumann. It is important to note that it was Mr. Alex Snodgrass's hiring in March 2023 that seemed to signal to Mr. Baumann that his tenure was being challenged, leading to a further decline in his attitude.
3. **Proactive Safety Measures:** American Tripoli is committed to maintaining a safe and compliant work environment. We have established policies and procedures that encourage open communication and reporting of safety concerns by all employees, including Mr. Baumann. Active communication channels were in place for all miners to express their concerns regarding safety and compliance. During his tenure, Mr. Baumann and other miners were encouraged to bring forward safety issues, and the mine operator consistently took swift action to address these concerns.
4. **Absence of Official Engagement in Protected Activities:** It is imperative to emphasize that Mr. Baumann did not serve as a designated representative of miners, nor did he submit any relevant information to the MSHA District Manager or to the mine operator, as required by 30 CFR Part 40. Every miner possesses the right to engage and accompany an MSHA inspector during an inspection, as stipulated by the Miner's Act. However, it's important to clarify that mere participation in such activities does not automatically confer upon a miner the designation of a miners' representative. In his claim, he states that he served as a representative of miners in an official capacity. However, the mine operator had no prior knowledge of any such intent or stated performance. If the mine operator had been

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Exhibit P-39, Page 0002



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informed of Mr. Baumann's desire to act as a miners' representative, they would have readily provided support and assistance to facilitate their involvement. This support would have included a more comprehensive briefing on the operations, ensuring that the designated person had the necessary insights to effectively address any inquiries from an inspector. This, another example of Mr. Baumann's lack of communication and leadership skills or experience. Regrettably, the mine operator was only made aware of Mr. Baumann's claim or supposed intention to serve as a representative of miners when the complaint was received by the commission. These points clarify the timeline and the lack of awareness regarding Mr. Baumann's purported role as a representative of miners and that his termination was entirely unrelated to protected activities under the Mine Act.

5. **Inconsistent Claims:** Mr. Baumann's current assertions about unaddressed safety concerns are inconsistent with the documented history of safety communication and resolution during his tenure. It is crucial to consider the inconsistency between his current claims and the historical record of safety communication and resolution within the company.
6. **Questioning the Timing:** We urge you to consider the timing of Mr. Baumann's claims about any unresolved safety issues. The mine operator offers numerous communication channels to express or bring forward and safety concerns. If Mr. Baumann had concerns, he did not utilize any of the available opportunities. Notably, he has only made any claims such claims after his termination. This timing raises questions about his motives and the credibility of his assertions.
7. **Notice of Termination:** Mr. Baumann received his notice of termination on April 17, 2023. It is notable that, as evidenced by the Kansas Department of Labor's rules and Unemployment Benefits Form 2023, Mr. Baumann applied for unemployment insurance benefits on April 16, 2023, potentially indicating his intention to quit the next day. Therefore, his termination was not related to his protected activities, but rather based on his poor performance.

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8. **Legal and Ethical Obligations:** The mine operator has a legal and ethical obligation to ensure a safe work environment for all employees. We remain committed to supporting employees' rights to report safety issues without fear of retaliation.

In conclusion, American Tripoli vehemently denies that Mr. Baumann's termination was in violation of Section 105(c) of the Mine Act. The decision to terminate Mr. Baumann was a result of his consistent poor performance, inability to fulfill his responsibilities, and the company's efforts to maintain the safety and efficiency of its operations, and not because of any protected activities he may have engaged in under the Mine Act. The proposed civil penalty is excessive and unwarranted, considering the specific circumstances of the case.

**INTERROGATORY NO. 2:** State the facts you contend support your claim that you did not violate Section 105(c) of the Mine Act, 30 U.S.C. § 815(c) by interfering with miners' rights at the MoSenecaMfr LLC dba American Tr mine, as outlined in Count II of the Complaint filed in this docket.

**ANSWER:** In response to Count II of the Complaint, which alleges interference with miners' rights under Section 105(c)(1) of the Mine Act, the Respondent vehemently denies the allegations and submits the following arguments and facts to refute the claim of interference.

**1. INTENT OF COMMUNICATION:**

The primary argument against the interference complaint centers around the intent behind Mr. John Spears' message to Mr. Gage Wheeler during the MSHA inspection on 14FEB2023. The message was not intended to interfere with miners' rights but rather to facilitate communication and ensure accurate information transfer to the MSHA inspector. We want to clarify that the communication on February 14, 2023, was directed to a specific miner, Gage Wheeler, and was not a message sent to all miners. Mr. Gage Wheeler, who had a history of being confrontational during past MSHA inspections. Therefore, it was crucial to address potential issues in communication. This communication has been included in the "ALL Communications regarding MSHA.pdf, 14FEB2023 - John message to Gage about MSHA inspector.png, 14FEB2023 - John message to Gage about

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MSHA inspector 2nd part.png, 14FEB2023 - Russell message to John about not telling Gage to speak with MSHA inspectors.png" document for your reference. See folder "Request for Documents 20". Therefore, it was crucial to address potential issues in communication. This is a testament to the mine operator's commitment to ensuring smooth inspection processes.

**2. RESPECT FOR MINER RIGHTS:**

The Respondent reaffirms its unwavering commitment to respecting miners' rights to report safety or health issues to MSHA and to participate in inspections without interference. The mine operator has always upheld these rights and encouraged employees to express their concerns regarding safety and compliance without fear of retaliation. This commitment to miner rights was consistently maintained throughout Mr. Baumann's tenure, as well as during the MSHA inspection in question. There were no actions taken to undermine miners' rights to engage with MSHA inspectors.

**3. DISMISSAL OF INTERFERENCE CLAIM:**

The allegations in the interference complaint, as detailed in Count II, are not substantiated by concrete evidence or facts. While the complaint alleges that Respondent interfered with miners' statutory rights, there is no proof that Mr. Baumann was told not to speak with MSHA inspectors or that his rights were compromised in any way. Furthermore, the Respondent addressed any potential misunderstandings with miners, such as Mr. Gage Wheeler, to clarify that they were free to speak with MSHA inspectors. Mr. Gage Wheeler, having undergone MSHA training on miners' rights, confirmed that he did not feel that Respondent's message interfered with his rights.

In conclusion, the interference allegations in Count II of the Complaint lack substantial evidence and should be dismissed. The Respondent's actions have consistently been aimed at ensuring safety and compliance while respecting miners' rights. The complaint does not establish any violation of Section 105(c)(1) of the Mine Act. The proposed civil penalty is unwarranted in this case, as there is no basis for the interference claim, and the Respondent remains committed to maintaining a safe and healthy work environment.

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**INTERROGATORY NO. 3:** Set forth the job duties, title and responsibilities of Robert Baumann while he was employed by Respondent, including the dates of his employment in each role.

**ANSWER:** Mr. Robert Baumann served as a Shift Lead at our facility from June 16, 2022, to April 17, 2023. As a Shift Lead, Mr. Baumann had specific responsibilities to ensure the efficient and safe operation of our mill facility. His duties and responsibilities included but were not limited to the following:

**Shift Lead Duties:**

**Oversee Mill Associates:** While Mr. Baumann was not a supervisor, he provided guidance and support to Mill Associates, ensuring they carried out their tasks efficiently and complied with safety and operational guidelines.

**Daily Assignment of Start-Up and Shut-Down Tasks:** On a daily basis, Mr. Baumann was tasked to assign and ensured the completion of start-up and shut-down tasks on the boards located in the breakroom, contributing to the mill's daily operations efficiencies.

**Rotation Schedule and Task Assignments:** Daily, Mr. Baumann was tasked to assign roles, follow rotation schedules, and delegate specific tasks to Mill Associates to ensure the smooth functioning of the mill.

**Time Tracking:** Mr. Baumann was tasked to maintain records of worked hours, paid time off (PTO), or unpaid leave for Mill Associates, which was crucial for time management and payroll purposes.

**Enforcement of Safety Procedures:** He was responsible for reminding Mill Associates to wear appropriate personal protective equipment (PPE) and collaborated with the Environmental and Safety Specialist to ensure compliance with MSHA and company safety regulations. Which he lacked tremendously and the citations received during his tenure exemplify this.

**Utilization of MS Teams for Collaboration:** Mr. Baumann was tasked to actively use Microsoft Teams to foster collaboration and communication among team members, contributing to a cohesive and efficient work environment for which he failed at.

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**Control Room Backup:** He was tasked as the backup for the control room, which entailed operating the control room in the absence of the more experience Mill Associate.

**Control Room Operation:** In the absence of the more senior Mill Associate due to leave or other circumstances, Mr. Baumann was tasked for operating the control room, which is a mission-critical aspect of mill operations.

**Startup and Shutdown Procedures:** Mr. Baumann was tasked with the startup and shutdown procedures of the mill, ensuring they were executed according to established protocols.

**Collaboration with Quarry Associate/Operations Manager:** He was tasked to collaborate with the Quarry Associate and Operations Manager, specifically regarding material deliveries, crushing operations, and any material-related requirements for mill production.

**Mill Product and Production Supply Inventory:** Mr. Baumann was tasked to conduct monthly inventory counts for various supplies and materials, including bags, pallets, stretch wrap rolls, slip sheets, and oil, ensuring accurate records for operational purposes for which he failed at miserably.

**Shipping/Receiving Paperwork:** He was tasked in the preparation and verification of shipping and receiving paperwork, ensuring all relevant documents were complete and accurate. He also assisted truck drivers with paperwork-related inquiries and processing for which he struggled with the entire time.

**Mailing/Preparing Easy-to-Handle Bags:** Mr. Baumann was tasked with preparation of easy-to-handle retail bags, contributing to our efficient order fulfillment process for which his performance was so lacking that we were never able to get him to do this tasking.

**Quality Control/CILAS Reports:** He was tasked to run CILAS (Coupled Ion Chromatography and Light Scattering) reports after each grade of product was produced, maintaining quality control records. Again his performance was so lacking that we were never able to get him to do this tasking.

**Preventive Maintenance Schedule:** Mr. Baumann was tasked to collaborate with the maintenance team to update the preventive maintenance schedule as tasks were completed or needed to be added, ensuring the

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equipment's reliability and longevity. Again, his performance was so lacking that we were never able to get him to do this tasking.

Mill Parts/Supplies Requests: He was tasked to work closely with the maintenance team to identify and request necessary parts and supplies, including online searches and submission of quotes to the Operations Manager for approval and purchasing. Again, his performance was so lacking that we were never able to get him to do this tasking.

Additional Tasks: Mr. Baumann struggled with effectively completing the above tasks and responsibilities as requested by different departments, showcasing his flexibility and dedication to the smooth operation of the facility that he was not respected by his peers.

Professional Development Counseling: He was tasked to work with the Operations Manager to conduct professional development counseling sessions, focusing on the growth and development of Mill Associates. These, due to his poor performance, never happened.

While Mr. Baumann was a shift lead, not a supervisor, this role is instrumental in various aspects of mill operations. This detailed overview of his job duties during his employment at our facility accurately represents the nature of his role at American Tripoli.

**INTERROGATORY NO. 4:** If Respondent claims that a defense or affirmative defense is applicable to the claims at issue in this case, please identify each such defense and state with particularity the material facts supporting such defense.

**ANSWER:** While we understand the need for transparency and adherence to legal processes, we firmly contend that requiring the immediate identification of defenses with particularity may not be suitable for the complex and evolving nature of this case. It is essential to uphold the principles of fairness, due process, and the right to develop a comprehensive defense. We propose that the Respondent be allowed to identify defenses as the case unfolds, ensuring that both parties have an equal opportunity to present their positions

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effectively. This approach will safeguard the integrity of the legal process while preserving the rights of all parties involved.

**INTERROGATORY NO. 5:** Set forth the reasons Robert Baumann was terminated, who participated in the decision to terminate Robert Baumann, and the date such decision was made.

**ANSWER:** The termination of Mr. Robert Baumann was based on well-established principles of employment and operational policies. The decision to terminate an employee is never taken lightly and is made in consideration of multiple factors, including the overall safety and efficiency of our operations. Below, we provide a general outline of the principles that guided Mr. Baumann's termination and the individuals involved in the decision.

**Principles for Termination:**

Mr. Baumann's termination was the result of several factors, including but not limited to:

- **Poor Performance:** Mr. Baumann's performance as a shift lead consistently fell below acceptable standards, demonstrating an inability to fulfill his role effectively.
- **Lack of Leadership Skills:** Mr. Baumann's performance was hindered by a lack of leadership skills, which were essential for his position.
- **Failure to Follow Procedures and Guidance:** Despite several attempts to address these issues through coaching, feedback sessions, and open communication channels, Mr. Baumann did not exhibit any signs of improvement in his performance or attitude.
- **Safety Concerns:** Safety is a paramount concern in our operations. Mr. Baumann's disregard for safety guidelines, and failure to take safety matters seriously, created an unsafe work environment for himself and his colleagues.
- **Also following the Missouri Department of Labor Discharged Employees and Final Wages,** Missouri follows the Employment-At-Will doctrine. This means that both the employer and

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Exhibit P-39, Page 0009



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employee can terminate the employment relationship at any time and for any reason, as long as there is no employment contract to the contrary, there is no discrimination under civil rights laws (based on race, color, age, national origin, religion, ancestry, sex, or physical/mental disability), no merit laws apply, or the state's limited public policy exception does not apply.(  
<https://labor.mo.gov/dls/general/termination-final-wages>)

**Participants in the Decision:**

The decision to terminate Mr. Baumann was made collectively by management personnel within our organization. It is important to emphasize that the decision was based on a thorough assessment of Mr. Baumann's performance, through different managers' feedback, in alignment with established company policies.

**Date of the Decision:**

The decision to terminate Mr. Baumann was made in accordance with company protocols and procedures, and it was communicated to Mr. Baumann on April 17, 2023. It is important to note that termination is not an abrupt action but a culmination of ongoing discussions, evaluations, and attempts to improve an employee's performance over time.

In conclusion, the decision to terminate Mr. Baumann was based on general principles of employment and operational policies to ensure the safety and efficiency of our operations. We remain committed to safeguarding both individual rights and operational integrity while adhering to legal and ethical standards.

**INTERROGATORY NO. 6:** Identify by name, job title, job duties, dates of employment, phone number, email address, and home address, each individual employed by Respondent at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022 through April 17, 2023.

**ANSWER:** Respondent provides the following information regarding individuals employed at American Tripoli from June 1, 2022, through April 17, 2023:

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**1. Frank Duran**

- a. Job Title: Asst Manager
- b. Dates of Employment: September 27, 2021, through March 24, 2022
- c. Home Address: 8624 Cedar Dr. Joplin, MO 64804

**2. Camrin Bindel**

- a. Job Title: Mill Associate
- b. Dates of Employment: March 28, 2022, through June 7, 2022
- c. Home Address: 201 N. Vine St Commerce, OK 74339

**3. Jeffrey Willis**

- a. Job Title: Maintenance Lead
- b. Dates of Employment: March 21, 2022, through July 29, 2022
- c. Home Address: 1910 Pineville, Neosho, MO 64850

**4. Roger Chester**

- a. Job Title: Quarry Manager
- b. Dates of Employment: June 4, 1983, through August 9, 2022
- c. Home Address: 69101 East 94th Rd, Wyandotte, OK 74370

**5. Juan Trujillo**

- a. Job Title: Maintenance Associate
- b. Dates of Employment: June 15, 2022, through August 15, 2022
- c. Home Address: 2137 Elenor St, Springdale, AR 72764

**6. Christine Schreiber**

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- 
- a. Job Title: Operations Manager
  - b. Dates of Employment: April 4, 2022, through August 17, 2022
  - c. Home Address: 2302 E. 10th St., Joplin, MO 64801

## 7. Jubil Clark

- a. Job Title: Mill Associate
- b. Dates of Employment: April 27, 2022, through November 11, 2022
- c. Home Address: 11701 S 510 Rd, Miami, OK 74354

## 8. Cheri Blount

- a. Job Title: Administrative Assistant
- b. Dates of Employment: May 16, 2022, through August 26, 2022
- c. Home Address: PO Box 732 Miami, OK 74355

## 9. Bonnie Bainter

- a. Job Title: EHS Manager
- b. Dates of Employment: January 17, 2022, through August 30, 2022
- c. Home Address: 122 W. Pearl St, Goodman, MO, 64843

## 10. Angela Schafer

- a. Job Title: Production Shipping Coordinator
- b. Dates of Employment: August 18, 2022, through September 13, 2022
- c. Home Address: 9002 W. Hwy 20, Jay, OK 74346

## 11. Joshua Bird

- a. Job Title: Mill Associate
- b. Dates of Employment: May 26, 2022, through September 27, 2022

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c. Home Address: 118 N. Main St. Fairland, OK 74343

12. William Shallenburger

- a. Job Title: Production Manager
- b. Dates of Employment: August 24, 2022, through October 5, 2022
- c. Home Address: 66117 E. 160 Rd, Wyandotte, OK 74370

13. Jessie Hodge

- a. Job Title: Maintenance Lead
- b. Dates of Employment: August 1, 2022, through October 31, 2022
- c. Home Address: 9002 W. Hwy 20, Jay, OK 74346

14. Carson Allman

- a. Job Title: Maintenance Associate
- b. Dates of Employment: September 15, 2022, through November 4, 2022
- c. Home Address: 1738 Salt Rd, Noel, MO 64854

15. Terry Newburn

- a. Job Title: Safety Manager
- b. Dates of Employment: September 26, 2022, through November 4, 2022
- c. Home Address: 405 Gratz St, Noel, MO 64854

16. Landry Barnes

- a. Job Title: Mill Associate
- b. Dates of Employment: April 27, 2022, through November 11, 2022
- c. Home Address: 11701 S 510 Rd, Miami, OK 74354

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**17. Terry Barlow**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: November 8, 2022, through November 13, 2022
- c. Home Address: 12624 Elder Rd, Diamond, MO 64840

**18. Richard McClelland**

- a. Job Title: Production Supervisor
- b. Dates of Employment: November 14, 2022, through November 16, 2022
- c. Home Address: 105 N. Delaware St., Grove, OK 74344

**19. Blake Leaf**

- a. Job Title: Mill Associate
- b. Dates of Employment: October 12, 2022, through November 30, 2022
- c. Home Address: 65300 E. 248 Ln Lot 60, Grove, OK 74344

**20. Justin Campbell**

- a. Job Title: Mill Associate
- b. Dates of Employment: October 12, 2022, through December 29, 2022
- c. Home Address: 112 N. Elm St, Wyandotte, OK 74370

**21. Sarah Giberti**

- a. Job Title: Administrative Assistant
- b. Dates of Employment: August 29, 2022, through December 30, 2022
- c. Home Address: 535 Dove Rd, Goodman, MO 64843

**22. Bryceton Williams**

- a. Job Title: Maintenance Technician

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- b. Dates of Employment: November 21, 2022, through January 2, 2023
  - c. Home Address: 4824 Empire Lane, Joplin, MO 64804

**23. Benjamin Waters**

- a. Job Title: Mill Associate
- b. Dates of Employment: June 6, 2022, through January 4, 2023
- c. Home Address: 4161 Detroit Dr, Joplin, MO 64804

**24. Dakota Fellers**

- a. Job Title: Mill Associate
- b. Dates of Employment: January 11, 2023, through January 17, 2023
- c. Home Address: 300 W. Washington, Marionville, MO 65705

**25. Kensley Brewer**

- a. Job Title: Production Coordinator
- b. Dates of Employment: December 19, 2022, through January 24, 2023
- c. Home Address: 2415 Alabama Ave., Joplin, MO 64804

**26. Andrew Wasson**

- a. Job Title: Heavy Equipment Operator
- b. Dates of Employment: December 12, 2022, through February 25, 2023
- c. Home Address: 408 W. Spring St., Neosho, MO 64850

**27. Gage Wheeler**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: December 26, 2022, through February 28, 2023
- c. Home Address: 618 Valley View Dr., Carl Junction, MO 64834

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## 28. Alex Snodgrass

- a. Job Title: Production Coordinator
- b. Dates of Employment: March 20, 2023, through April 14, 2023
- c. Home Address: 3812 South Indiana Ave., Joplin, MO 64804

## 29. Robert Baumann

- a. Job Title: Production Supervisor
- b. Dates of Employment: June 16, 2022, through April 17, 2023
- c. Home Address: 939 South Park Dr, Columbus, KS 66725

## 30. Ronnell Fondren

- a. Job Title: Mill Associate
- b. Dates of Employment: February 8, 2023, through April 20, 2023
- c. Home Address: 2640 E. 34th St Apt F76, Joplin, MO 64804

## 31. Jessie Molesi

- a. Job Title: EHS Specialist
- b. Dates of Employment: March 20, 2023, through August 10, 2023
- c. Home Address: 175 Judd St., Granby, MO 64844

## 32. Jeremy Talbert

- a. Job Title: Maintenance Technician
- b. Dates of Employment: March 20, 2023, through August 11, 2023
- c. Home Address: 2640 E. 34th St Apt F76, Joplin, MO 64804

## 33. Patrick Lewis

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- 
- a. Job Title: Mill Associate
  - b. Dates of Employment: March 7, 2022, through August 25, 2023
  - c. Home Address: 13305 Iris Rd #4 Neosho, MO 64850

34. Ryan Closser

- a. Job Title: Maintenance Technician
- b. Dates of Employment: March 27, 2023, through September 1, 2023
- c. Home Address: 624 Tatterson, Puenweg, MO 64841

35. Jimmy Hoover

- a. Job Title: Mill Associate
- b. Dates of Employment: November 14, 2018, through September 14, 2023
- c. Home Address: PO Box 111, Seneca, MO 64865

36. Raneldon Williams

- a. Job Title: Mill Associate
- b. Dates of Employment: June 20, 2022 - Present
- c. Home Address: 3812 South Indiana Ave., Joplin, MO 64804

37. John Spears

- a. Job Title: Operations Manager
- b. Dates of Employment: August 17, 2022 - Present
- c. Home Address: 10396 Reindeer Dr., Granby, MO 64844

In addition, see attachment Employee Roster Info 1June2022 -17APR2023.pdf

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**INTERROGATORY NO. 7:** Identify each instance, since June 2021, in which an employee was terminated by Respondent at the MoSenecaMfr LLC dba American Tr mine, including the reason for the termination, the date of the termination, and the name and job title of the employee terminated.

**ANSWER:**

Regarding the request to identify instances of employee terminations at American Tripoli since June 2021, please find the information below:

Frank Duran

Job Title: Assistant Manager

Date of Termination: March 24, 2022

Reason for Termination: Insubordination

Camrin Bindel

Job Title: Mill Associate

Date of Termination: June 7, 2022

Reason for Termination: Behavior issues

Jessie Hodge

Job Title: Maintenance

Date of Termination: October 30, 2022

Reason for Termination: Performance issues

Carson Allman

Job Title: Maintenance

Date of Termination: November 4, 2022

Reason for Termination: Performance issues

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Exhibit P-39, Page 0018

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Terry Newborn

Job Title: Safety

Date of Termination: November 4, 2022

Reason for Termination: Performance and insubordination issues

Robert Baumann

Job Title: Shift Lead

Date of Termination: April 17, 2023

Reason for Termination: Performance issues

Ryan Closser

Job Title: Maintenance

Date of Termination: August 30, 2023

Reason for Termination: Performance and attendance issues

Jim Hoover

Job Title: Mill Associate

Date of Termination: September 14, 2023

Reason for Termination: Performance and attendance issues

Please note that these terminations were conducted based on our internal policies and procedures, considering various factors related to each employee's performance, conduct, or behavior. We remain committed to ensuring a safe and productive work environment for all employees at our mine.

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Exhibit P-39, Page 0019



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DECLARATION

I, Russell Tidaback state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: Russell Tidaback

Title: Managing Member

Dated: 16OCT2023

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Exhibit P-39, Page 0020

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**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents identified or referred to in your answers to the interrogatories above.

**RESPONSE:** In response to your request for production of documents, we have provided attachments that include all documents identified or referred to in our answers to the interrogatories. Please find these documents attached to this response in the respective labeled folder. If you have any specific questions or require further clarification regarding any of these documents, please do not hesitate to reach out, and we will be happy to assist further.

2. Produce the documents related to the terminations identified in response to Interrogatory No. 7.

**RESPONSE:** In accordance with your request to produce documents related to the terminations identified in response to Interrogatory No. 7, You will find these letters in the attached document labeled '*Individual name* - date - Termination Letter' in folder labeled "Request for Documents 2". If you require any further information or have additional questions, please feel free to contact us for clarification or any other assistance needed.

3. Produce all documents which you contend support any claims or defenses you have or may raise to the claims at issue in this docket.

**RESPONSE:** In response to your request to produce documents that support any claims or defenses we have or may raise in this docket, we acknowledge the importance of transparency and cooperation in the legal process. While we understand your desire for particularity, it's crucial to note the complex and evolving nature of this case. Requiring the immediate identification of defenses may not align with the principles of fairness, due process, and the right to develop a comprehensive defense.

We propose an approach that allows both parties to identify defenses as the case unfolds, ensuring a balanced opportunity to present positions effectively. This approach will safeguard the integrity of the legal process while respecting the rights of all parties involved.

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Exhibit P-39, Page 0021

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We are fully committed to complying with our legal obligations and cooperating in the discovery process. As such, we are providing all relevant documents and will promptly provide any additional relevant documents as they become available and maintain open communication with your team. If you require specific documents or have further inquiries related to this request, please do not hesitate to reach out to us for clarification and assistance.

4. Produce the documents pertaining to any of Respondent's denials that it did not commit the alleged 105(c) violations set forth in the Complaint in this docket.

**RESPONSE:** In response to your request to produce documents related to any of our denials concerning the alleged 105(c) violations set forth in the Complaint in this docket, we understand the significance of transparency and adherence to the legal process. We are fully committed to cooperating and complying with our legal obligations.

We have provided the Operator's Answer, Document No. CENT 2023-0251 – Operator's Answer.pdf, to the complaint, located in folder "Request for Documents 4", and will continue to promptly provide documents related to any denials as they become available in the course of this legal proceeding. This approach ensures that both parties have equal opportunities to present their positions effectively and maintains the integrity of the legal process.

If you require specific documents or have further inquiries concerning this request, please feel free to contact us for clarification and assistance. We are dedicated to upholding the principles of due process and a fair legal process, and we look forward to working cooperatively with your team throughout the discovery process.

5. Produce Robert Baumann's personnel file.

**RESPONSE:** In response to your request for Robert Baumann's personnel file, please find attached the requested personnel file for Robert Baumann labelled "Request for Documents 5". This file contains all

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Exhibit P-39, Page 0022

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relevant information regarding his employment, performance, and any related matters during his tenure with our organization.

We are committed to providing the necessary documents and information as part of our cooperation in this legal process. If you have any further requests, require additional information, or have any specific questions regarding the personnel file, please do not hesitate to contact us. We are dedicated to ensuring a transparent and fair process throughout the course of this legal proceeding.

6. Produce the documents showing all training provided to Robert Baumann while he was employed by Respondent.

**RESPONSE:** We acknowledge your request for all training records related to Robert Baumann during his employment with our company. Please be advised that Robert Baumann received mandatory training required by the Mine Safety and Health Administration (MSHA) during his tenure with our organization. This training includes but is not limited to new miner training and other MSHA-required safety and health courses.

It's important to note that our company primarily provides MSHA-mandated training, and any additional training is often self-driven or related to specific tasks and equipment operation.

We will provide all records related to the MSHA-required training received by Robert Baumann as part of this response. However, please understand that there may be limited records for additional training beyond MSHA requirements as most of his responsibilities were covered by the mandatory safety training. All presented and available 24/7 employee training, see the documents in the attached folder labeled "Request for Documents 6".

If you have specific questions or require further clarification regarding the provided training records, please do not hesitate to contact us. We are dedicated to ensuring transparency and compliance with all aspects of this legal proceeding.

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Exhibit P-39, Page 0023

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7. Produce the documents showing all payments and compensation made to Robert Baumann by Respondent.

**RESPONSE:** We acknowledge your request for documents showing all payments and compensation made to Robert Baumann by our company. Please find attached the document 'Robert Baumann Payroll Detail 07.01.22-04.21.23.pdf,' in folder "Request for Documents 7", which contains the relevant payroll information for Mr. Baumann during his employment with us.

The attached document includes detailed payroll records, payment history, and compensation breakdowns, and it should address your request adequately.

We are committed to providing any additional information or clarifications you may require during the discovery process. If you have any further questions or need additional documents, please don't hesitate to reach out.

8. Produce the documents showing all benefits provided to Robert Baumann by Respondent, including insurance benefits, retirement benefits, and paid leave.

**RESPONSE:** We provided Robert Baumann with the opportunity to enroll in medical and dental insurance benefits; however, he chose not to apply for these benefits during his employment with us. Additionally, Mr. Baumann was offered a Red Wing boot voucher but did not utilize it.

For a comprehensive overview of Mr. Baumann's benefits, including insurance benefits, retirement benefits, and paid leave, please refer to the attached document labeled "American Tripoli Employee Handbook.pdf." This document outlines the summary of benefits made available to him during his employment with Respondent.

In addition, for Mr. Baumann's accrued paid time off, consult the attached document titled "Paid Time Off Accruals for Mr. Baumann.pdf." This document provides details about his paid time off accruals. Both of the above-mentioned documents are in folder labelled "Request for Documents 8".

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9. Produce the documents showing the hours worked by Robert Baumann while he was employed by Respondent.

**RESPONSE:** Please find attached the document labeled "Robert Baumann Payroll Detail 07.01.22-04.21.23.pdf." located in folder labelled "Request for Documents 9". This document provides a detailed record of the hours worked by Robert Baumann during his employment with Respondent, covering the period from July 1, 2022, through April 21, 2023. The hours worked are accurately recorded in this document.

10. Produce your employee handbook and/or any other documents which set forth the conditions and/or terms of employment for employees at the MoSenecaMfr LLC dba American Tr mine in effect at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** See attachments Robert Baumann\_American Tripoli Position Offer Letter.pdf and the American Tripoli Employee Handbook.pdf in folder labelled "Request for Documents 10".

11. Produce the documents reflecting any discipline of Robert Baumann.

**RESPONSE:** We acknowledge that there were instances where disciplinary actions were taken concerning Mr. Robert Baumann; however, it is important to note that the company's disciplinary process, as outlined in the employee handbook, allows for flexibility in addressing employment issues. While the handbook provides for a progressive discipline process, it also clarifies that the company is not bound by a specific sequence and reserves the right to address matters promptly, in accordance with the "at-will" employment relationship. We are committed to providing any available records reflecting the disciplinary actions taken. Please note that while the "written" part of the progressive discipline process was not consistently documented, appropriate actions were taken to address the concerns and maintain compliance with company policies.

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12. Produce the documents reflecting any safety complaints made or safety concerns raised by Robert Baumann to any of Respondent's managers, owners or supervisors.

**RESPONSE:** While we take safety concerns seriously and maintain a robust system for addressing them, we do not have specific documentation of safety complaints or concerns raised by Mr. Robert Baumann. Our safety protocols encourage open communication, and our managers, owners, and supervisors are committed to promptly addressing any safety-related matters. While we have not found records of such complaints or concerns pertaining to Mr. Baumann, we emphasize that we actively encourage employees to report any safety issues, and we remain vigilant in ensuring a safe working environment. If any specific concerns emerge during the course of this case, we will promptly provide relevant documentation.

13. Produce the documents reflecting Robert Baumann's designation as a representative of the miners at the MoSenecaMfr LLC dba American Tr mine.

**RESPONSE:** Mr. Robert Baumann never provided any documents designating himself as a representative of the miners at the MoSenecaMfr LLC dba American Tr mine. The first indication of such a designation came to our attention when the complaint was received by MSHA. We have not found any records or documents related to Mr. Baumann's official designation as a miner representative.

14. Produce the native document, in its native format with all metadata, of the PDF document Respondent produced to MSHA during the investigation of this case titled "Rob Baumann-Notes".

**RESPONSE:** The PDF document titled "Rob Baumann-Notes" produced to MSHA during the investigation of this case is the native document in its original format. Mr. Tidaback's personal notes regarding personnel matters are periodically transcribed from a Rocketbook wipeable notebook he carries with him. The PDF provided accurately represents the content and format of the original notes.



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15. Produce Robert Baumann's "employee journal" or any other document where you kept notes and/or information about Robert Baumann and his job performance.

**RESPONSE:** The document titled "Rob Baumann Russell Notes.pdf" produced to MSHA during the investigation of this case is the employee journal or document where notes and information about Robert Baumann and his job performance were kept. Please refer to this document for the requested information.

16. Produce the "employee journal" or any other documents where you kept notes and/or information about employees employed by Respondent at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** The attached documents titled "Rob Baumann Russell Notes.pdf," "Christine Schreiber Russell Notes.pdf," and "Jim Hoover Russell Notes.pdf", see folder labelled "Request for Documents 16", are the employee journals or documents where notes and information about employees employed by Respondent at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022, through April 17, 2023, were kept. Please refer to these documents for the requested information.

17. Produce the workplace examinations and/or workplace inspections from the MoSenecaMfr LLC dba American Tr mine from June 1, 2022 through April 17, 2023.

**RESPONSE:** The workplace examinations and workplace inspections conducted at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022, through April 17, 2023, are contained in the attached document titled "Daily Workplace Inspections 1JUNE2022 - 17APR2023.pdf.", see folder labelled "Request for Documents 17". Please refer to this document for the requested workplace examination and inspection information.



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18. Produce the Microsoft Teams chats or messages involving any employee of Respondent, including owners, managers, supervisors, maintenance personnel, etc., regarding Robert Baumann's discrimination complaint, Robert Baumann's termination, Robert Baumann's job performance, safety related concerns or complaints raised by Robert Baumann, complaints about Robert Baumann, and/or Robert Baumann's workplace examinations.

**RESPONSE:** Producing the entire Microsoft Teams chats or messages involving any employee of Respondent, as specified in your request, is overly broad and would entail disclosing vast amounts of irrelevant information. Unfortunately, we do not have the capacity to retrieve messages from employees' accounts, as they are maintained on their individual devices. Also unless Mr. Baumann's name is specifically in the messages there is no way to search for generics. To maintain the integrity of the discovery process, we propose a more targeted approach.

Given that the only employees still employed by Respondent since the termination of Mr. Baumann are Mr. Williams, and Mr. Spears, we can provide group messages involving these individuals for the specified purposes. If you could kindly specify the date ranges, topics, or any other relevant details for these chats and messages, we will make a good faith effort to assist in obtaining any relevant messages. In the folder labeled "Request for Documents 18", there is a document titled "Communication between Jim are Russ regard Rob post 17APR2023.pdf", this running conversation points out Mr. Jim Hoover's opinions, distrust, aggravation and hassle when dealing with Mr. Baumann. Mr. Hoover was the most senior employee with over four years of experience at the mine site.

19. Produce the documents reflecting any "counseling and guidance" provided to Robert Baumann while he was employed by Respondent.

**RESPONSE:** While we acknowledge that counseling and guidance were provided to Robert Baumann during his employment, these interactions were primarily conducted verbally, and no formal written records were maintained. Any guidance or counseling discussions were aimed at improving his job performance, ensuring compliance with safety protocols, and fostering a better work environment. We

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Exhibit P-39, Page 0028

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remain committed to maintaining open lines of communication and providing support to our employees as needed.

20. Produce the text messages, emails, Microsoft Teams chat, and/or any other communication from John Spears to any employees regarding MSHA inspections, including the February 14, 2023 message to miners regarding MSHA's inspection.

**RESPONSE:** All communications related to MSHA inspections and interactions with MSHA inspectors have been consolidated into a comprehensive document labeled "ALL Communications regarding MSHA.pdf." This document contains a thorough record of all communications, including Microsoft Teams chats, text messages, and emails exchanged between employees of Respondent at the MoSenecaMfr LLC dba American Tr mine concerning MSHA inspections and interactions with MSHA inspectors.

By consolidating these communications into a single document, we aim to provide a complete and organized account of our interactions with MSHA and MSHA inspectors. This approach is intended to streamline the document production process and ensure clarity in our responses.

If you have any specific questions or need further information regarding these communications, please do not hesitate to contact us. We are committed to transparency and open communication throughout this process.

21. Produce the text messages, emails, Microsoft Teams chat, and/or any other communication from and/or between Robert Baumann, Respondent, John Spears, Russell Tidaback, and/or Jordan Tidaback regarding the MSHA 104(b) Order issued on April 12, 2023 or payment during the withdrawal order.

**RESPONSE:** Please find attached the requested communications regarding the MSHA 104(b) Order issued on April 12, 2023, and payment during the withdrawal order, "Request for Documents 21". We wish to emphasize that, in full compliance with MSHA regulations and with a commitment to the well-

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Exhibit P-39, Page 0029

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being of our miners, Respondent promptly paid the miners as required by the 104(b) Order, without any delay.

1. Chat messages between Robert Baumann to John Spears and John Spears to Ms. Tidaback and Mr. Tidaback (labeled as "14APR2022 – Chat messages showing Robs misunderstanding regarding a 104(b) order and pay.pdf").
2. Email chain involving Mr. Markeson, Respondent, John Spears, and Russell Tidaback (labeled as "Email Chain w Markeson regarding miner compensation - RE\_ 12APR2023 - B Order #9539789 & 9539790.pdf").
3. Text messages between Robert Baumann and John Spears (labeled as "12APR2023 - Text message between Mr. Baumann and Mr. Spears regarding work and being paid.png").

These documents encompass the pertinent communications and discussions surrounding the MSHA 104(b) Order and issues related to payment during the withdrawal order. We would like to reiterate that all miners were paid appropriately and without delay in accordance with MSHA regulations. Should you require any further specific information or have additional inquiries, please do not hesitate to reach out.

22. Produce Respondent's disciplinary policy in effect at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** Our disciplinary policy in effect at the MoSenecaMfr LLC dba American Tr mine during the specified period can be found in the attached document titled "American Tripoli Employee Handbook.pdf.", see folder labeled "Request for Documents 22". The relevant information regarding our Progressive Discipline policy can be located in the handbook, specifically in the paragraph that addresses Progressive Discipline.

23. Produce the documents reflecting any discipline given to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2021 through April 17, 2023.

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Exhibit P-39, Page 0030

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**RESPONSE:** Please find the attached documents in labelled folder “Request for Documents 23”, which reflect instances of discipline given to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine during the specified timeframe from June 1, 2021, through April 17, 2023. These documents provide details of the written disciplinary actions, including warnings, reprimands, counseling, and terminations, that were administered and recorded in accordance with company policies and procedures.

Attached documents:

26APR2022 Jena Turner Reprimand.pdf

7JUNE2022\_Camrin Bindle Relieving Letter.pdf

7JUNE2022\_Camrin Bindle - Termination Letter.pdf

13OCT2022 - Carson Allman - Letter or Reprimand.pdf

12MAY2023\_RJ\_Williams\_Reprimand.pdf

12MAY2023\_Patrick\_Lewis\_LOR\_for performance and attendance.pdf

17JUL2023\_Jim\_Hoover\_Counseling\_SIGNED (1).pdf

19JUL2023\_RJ\_Williams\_Counseling\_Letter.pdf

20JUL2023\_Patrick\_Lewis\_Written\_Counseling.pdf

These documents demonstrate the company's commitment to maintaining discipline, safety, and compliance within the workplace. Should you require any additional information or have specific inquiries about any of these disciplinary actions, please feel free to communicate them to us. We are committed to ensuring transparency and cooperation throughout this process.

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Exhibit P-39, Page 0031

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24. Produce the documents reflecting any communications, including Microsoft Teams chats, text message, emails, to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine regarding MSHA inspections and/or any MSHA inspectors.

**RESPONSE:** All communications related to MSHA inspections and interactions with MSHA inspectors have been consolidated into a comprehensive document labeled "ALL Communications regarding MSHA.pdf.", in folder labeled "Request for Documents 24". This document contains a thorough record of all communications, including Microsoft Teams chats, text messages, and emails exchanged between employees of Respondent at the MoSenecaMfr LLC dba American Tr mine concerning MSHA inspections and interactions with MSHA inspectors.

By consolidating these communications into a single document, we aim to provide a complete and organized account of our interactions with MSHA and MSHA inspectors. This approach is intended to streamline the document production process and ensure clarity in our responses.

If you have any specific questions or need further information regarding these communications, please do not hesitate to contact us. We are committed to transparency and open communication throughout this process.

If you have any additional requests or require further documents related to this matter, please feel free to specify your needs, and we will do our best to accommodate them. Your understanding and cooperation in this matter are greatly appreciated.

25. Produce the documents discussing Robert Baumann's termination.

**RESPONSE:** We appreciate your request. We want to clarify that discussions related to Mr. Baumann's termination primarily took place in person or during video calls, which may not have generated electronic records.

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Should you need further clarification or additional information, please feel free to contact us, and we will do our best to assist.

26. Produce the documents you intend to use at the hearing in this matter.

**RESPONSE:** We are fully committed to complying with our legal obligations and cooperating in the discovery process. As such, we are providing all relevant documents and will promptly provide any additional relevant documents as they become available and maintain open communication with your team. If you require specific documents or have further inquiries related to this request, please do not hesitate to reach out to us for clarification and assistance.

### **REQUESTS FOR ADMISSION**

1. Admit that the MOSenecaMfr LLC dba American Tr mine is a mine as defined in Section 3(h) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 802(h).

**ANSWER:** Admit. The operator acknowledges that the MOSenecaMfr LLC dba American Tr mine falls within the definition of a mine as provided in the Mine Act. This acknowledgment is consistent with the operator's understanding of its activities and operations. However, this admission should not be construed as an admission of liability or wrongdoing with respect to the allegations in this case. The operator maintains that its operations have consistently aimed to comply with the Mine Act and relevant regulations, ensuring the safety and well-being of its workforce.

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Exhibit P-39, Page 0033

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2. Admit that the products of the MOSenecaMfr LLC dba American Tr mine enter commerce or the operations or products thereof affect commerce within the meaning and scope of the Federal Mine Safety and Health Act of 1977.

**ANSWER:** Admit. The operator acknowledges that, in the ordinary course of its mining operations, its products may be intended for commercial use or distribution, and as such, they have the potential to enter or affect commerce. However, this acknowledgment should not be construed as an admission of liability or wrongdoing with respect to the allegations in this case. The operator maintains that its operations have consistently aimed to comply with the Mine Act and relevant regulations, ensuring the safety and well-being of its workforce and the quality of its products.

3. Admit that MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli is the operator of the MOSenecaMfr LLC dba American Tr mine and was the operator of the mine from at least June 1, 2022 through April 17, 2023.

**ANSWER:** Admit. MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli, herein referred to as 'the operator,' is the entity responsible for the operation of the MOSenecaMfr LLC dba American Tr mine. The operator acknowledges that it assumed the role of the mine operator at the specified mine location, and this responsibility was held from at least June 1, 2022, through April 17, 2023.

While the operator admits to its role as the mine operator during the specified time frame, it is important to clarify that this acknowledgment does not constitute an admission of liability or wrongdoing with respect to the allegations contained within the case. The operator is committed to maintaining a safe and compliant workplace for its employees and remains steadfast in its position that the actions taken during this period were in accordance with applicable regulations and without any intent to discriminate or infringe upon the rights of miners.

[CustomerService@AmericanTripoli.com](mailto:CustomerService@AmericanTripoli.com)

Exhibit P-39, Page 0034



**Mailing Address:**

2701 East Grauwylers Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

---

4. Admit that while Robert Baumann was employed by Respondent at the MOSenecaMfr LLC dba American Tr mine he was a “miner” as defined in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g).

**ANSWER:** Admit. While Robert Baumann was employed by Respondent at the MOSenecaMfr LLC dba American Tr mine, he met the criteria to be considered a 'miner' under the definition provided in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g). The operator acknowledges that Mr. Baumann was an employee involved in mining operations at the specified mine location during the relevant timeframe.

It is essential to clarify that the acknowledgment of Mr. Baumann's status as a 'miner' does not alter the operator's position that the actions taken regarding his employment were based on performance issues and not related to any form of discrimination or interference with miner's rights. The operator remains committed to providing a safe and compliant workplace for all its employees, including those meeting the definition of a 'miner' under the Mine Act.

5. Admit that Robert Baumann served as a representative of miners at the MOSenecaMfr LLC dba American Tr mine from March 21, 2023 through April 17, 2023.

**ANSWER:** Deny. The mine operator was not made aware of Robert Baumann serving as a representative of miners at the MOSenecaMfr LLC dba American Tr mine from March 21, 2023, through April 17, 2023. To the best of our knowledge and records, no formal notification or communication regarding Mr. Baumann's representation of miners was received by the mine operator during the specified period.

The mine operator is committed to adhering to all relevant regulations and compliance requirements under the Mine Act, including those pertaining to miner's representatives. In the absence of formal notice or awareness of Mr. Baumann's role as a representative of miners, the operator was unable to address any concerns or considerations related to his representation.

[CustomerService@AmericanTripoli.com](mailto:CustomerService@AmericanTripoli.com)

Exhibit P-39, Page 0035



**Mailing Address:**

2701 East Grauwylers Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

It is crucial to clarify that the mine operator is dedicated to maintaining a safe working environment and complying with all applicable legal obligations. We welcome a comprehensive review of the facts and evidence related to Mr. Baumann's representation during the specified timeframe to ensure a just and equitable resolution.

6. Admit that the Federal Mine Safety and Health Review Commission has jurisdiction over this case under Section 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823.

**ANSWER:** Deny. The mine operator contests the assertion that the Federal Mine Safety and Health Review Commission (FMSHRC) has jurisdiction over this case under Section 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823. The mine operator believes that the actions taken, including the dismissal of the miner, were solely based on performance issues and not discriminatory in nature. As such, it is our position that the circumstances of this case do not fall within the purview of the aforementioned statutory provisions.

The mine operator strongly maintains that the miner's dismissal was a result of legitimate performance-related concerns in accordance with the established company policies, the state of Missouri guidelines and not a violation of any miner's rights under the Mine Act. Therefore, we contend that the jurisdiction of the FMSHRC does not apply in this case. However, we are open to a thorough examination of the facts and circumstances surrounding this matter to arrive at a just resolution.

Russell Tidaback  
Managing Member  
American Tripoli  
Russell.Tidaback@americantripoli.com

[CustomerService@AmericanTripoli.com](mailto:CustomerService@AmericanTripoli.com)

Exhibit P-39, Page 0036

## Certificate of Training

U.S. Department of Labor  
Mine Safety and Health Administration

Approved OMB Number 1219-0009, Expires May 31, 2024.

This certificate is required under Public Law 91-173 as amended by Public Law 95-164. Failure to comply may result in penalties and other sanctions as provided by sections 108 and 110, Public Law 91-173 as amended by Public Law 95-164.

➔ Issue Certificate Immediately  
Upon Completion of Training

Serial Number (for operator's use)

1. Print Full Name of Person Trained (first, middle, last)

*Rob BAUMANN*

2. Check Type of Approved Training Received:

☐ Annual  
Refresher☐ Experienced Miner☐ Hazard Training☐ New Task  
(specify below)☒ New Miner☐ Other (specify)

Date	Task	Initials Instr	Student	Date	Task	Initials Instr	Student

3. Check Type of Operation and Related Industry:

A. ☒ Surface☐ Construction☐ Underground☐ Shaft & SlopeB. ☐ Coal☐ Metal☒ Nonmetal

4. Date Training Requirements Completed

☐ Check if not completed  
and go to item 5, below.

➔ If completed, go to item 6, below.

5. Check Subjects Completed (use only for partially completed training):

☒ Introduction to Work Environment☐ Roof/Ground Control  
& Ventilation☒ Health☒ Hazard Recognition☐ Mine Map; Escapeways;  
Emergency Evacuation;  
Barricading☒ Electrical Hazards☒ Emergency Medical Procedures☐ Cleanup; Rock Dusting☒ First Aid☒ H&S Aspects of Tasks Assigned☒ Mandatory Health &  
Safety Standards☐ Mine Gases☒ Statutory Rights of Miners☐ Authority & Responsibility  
of Supervisors & Miners'  
Representatives☐ Explosives☒ Self-Rescue & Respiratory Devices☐ Prevention of Accidents☒ Transport & Communication Systems☐ Other (specify)6. False certification is punishable under  
section 110 (a) and (f) of the Federal Mine  
Safety & Health Act (P. L. 91-173 as  
amended by P. L. 95-164).I certify that the above training has been completed  
(signature of person responsible for training)*Rob Baumann*

7. Mine Name, ID, &amp; Location of Training (if institution, give name &amp; address)

*AMERICAN TRIPOLI 222 ONEIDA  
SENECA MO 64865**Rob Baumann*

8. Date

I verify that I have completed the above training  
(signature of person trained)*6/7/05/2022*

MSHA Form 5000-23, May 2013 (revised)

Copy 1 - Employer's Personnel Record

MEMORANDUM OF INTERVIEW OF [REDACTED]



Case No. MADI-CD-2023-03

Date And time of interview: [REDACTED]

Name: [REDACTED]

DOB: [REDACTED]

Address: [REDACTED]

Telephone No. [REDACTED]

Location Interview [REDACTED]

Present: [REDACTED]

(Interviewee)

(Attorney)

Adam Larkins SI

(Others present)

Interview conducted by MSHA Investigator

Michael E. Dillingham SI

You understand that this statement will be held in confidence by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the statement in a formal proceeding. After the case is closed, the information will be held in confidence to the extent provided by law.

GIVEN ☒ NOT GIVEN ☐

Exhibit No 5 Pg No 1



MEMORANDUM OF INTERVIEW OF [REDACTED]

Case No. MADI-CD-2023-03

GENERAL BACKGROUND:

Question: How long did you worked at the American Tripoli Company?

Response: [REDACTED]

Question: What jobs did you conducted at the American Tripoli Mine?

Response: [REDACTED]

Question: Please describe your duties in this position.

Response: [REDACTED]

Question: Who is your immediate supervisor?

Response: [REDACTED]

ALLEGED COMPLAINT CIRCUMSTANCES:

[REDACTED] tell me of the transpiring events that you believe lead to Robert Baumann filing this complaint.

[REDACTED]  
This company was very difficult to work for, very. [REDACTED]  
[REDACTED]

[REDACTED] This place was different than any place than [REDACTED] had ever worked. Company was tight screwed in the sense that they weren't very open with any ideas other than their own. It was a very unpleasant place to work. Russell and Jordan were onsite to train [REDACTED] for a week and then left for a couple of months. They wouldn't let you manage or listen to ideas.

Rob was on second shift and Jim Hoover was on day shift. Actually Rob and Jim was doing a good job but Rob was doing a better job than Jim [REDACTED] wanted to switch shifts with them because Rob was more adamant and better at the job performance.

[REDACTED] disciplinary actions but only thru Russell. Each employee has a personnel file. The file had hiring information, tax records, training records. Also if an employee was disciplined there was usually a three step process. Verbal, written then potential termination. They would type the action up in Microsoft Word document and have the employee sign the document and put into their

MEMORANDUM OF INTERVIEW OF [REDACTED]



**Case No. MADI-CD-2023-03**

casefile. When you would ask Russell specific questions if he didn't want to answer you he would skirt around the question and not be specific. It wouldn't be surprising if the company didn't have a secret file on everyone writing down things of interest to them.

**CLOSING:**

Question: Is there anything that you expected me to ask, that I did not ask?

Response: I don't think so

Questions: Do you have any questions or concerns?

Response: No

Question: Have I or any other MSHA personnel threatened or intimidated you in any way?

Response: No

Question: Has anyone not with MSHA threatened or intimidated you or instructed you on how to respond to any of the questions that you may be asked in this investigation?

Response: No

Question: Have you been offered any rewards, or promises of reward, in return for this statement?

Response: No

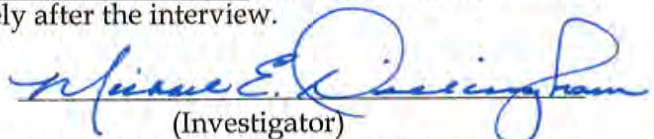
Question: Have you given this statement freely and voluntarily?

Response: Yes

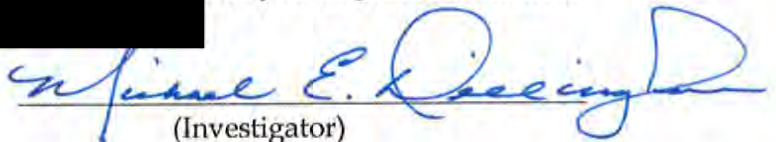
Question: Is there anything you care to add for the record?

Response: Just that Russell is intimidating. [REDACTED]

I have prepared this memorandum of [REDACTED] after refreshing my memory from notes made during and immediately after the interview.

  
(Investigator)

I verify that this memorandum has recorded in it a summary of all pertinent matters discussed with the interviewee [REDACTED]

  
(Investigator)

**Exhibit No 5 Pg No 3**

MEMORANDUM OF INTERVIEW OF [REDACTED]



Case No. MADI-CD-2023-03

Date And time of interview: [REDACTED]

Name: [REDACTED]

DOB: [REDACTED]

Address: [REDACTED]

Telephone No. [REDACTED]

Location Interview [REDACTED]

Present: [REDACTED] (Interviewee)

[REDACTED] (Attorney)

Adam Larkins SI (Others present)

Interview conducted by MSHA Investigator Michael E. Dillingham SI

You understand that this statement will be held in confidence by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the statement in a formal proceeding. After the case is closed, the information will be held in confidence to the extent provided by law.

GIVEN ☒ NOT GIVEN ☐

Exhibit No 6 Pg No 1



MEMORANDUM OF INTERVIEW OF [REDACTED]

Case No. MADI-CD-2023-03

GENERAL BACKGROUND:

Question: What is your hometown?

Response: [REDACTED]

Question: Where did you go to school?

Response: [REDACTED]

Question: What was the highest grade level completed?

Response: [REDACTED]

Question: Did you graduate?

Response: [REDACTED]

Question: How long have you worked at the American Tripoli Company?

Response: [REDACTED]

Question: What jobs have you conducted at the American Tripoli Mine?

Response: [REDACTED]

Question: What is your present position?

Response: [REDACTED]

Question: How long have you been in that position?

Response: [REDACTED]

Question: Who was your immediate supervisor at American Tripoli?

Response: [REDACTED]

MEMORANDUM OF INTERVIEW OF [REDACTED]

Case No. MADI-CD-2023-03

ALLEGED COMPLAINT CIRCUMSTANCES:

[REDACTED] tell me of the transpiring events that you believe lead to Robert "Rob" Baumann filing this complaint.

Rob complained about unsafe acts and conditions. He didn't want anyone to get hurt. He was the only one that would speak up cause everyone else would just keep their heads down and go on so they would get paid. Everyone was there for a paycheck. Jim Hoover has been with Tripoli longer than anyone else. Even before Russell bought it. There was a lot of animosities. Jim was nice most days but I'm pretty sure he was on drugs most days [REDACTED] thinks he was angry with Rob because he took Jim's position. Rob always stuck up for the workers to John and Russell. They didn't like that. Russell would ignore Rob for this via Teams Chat. Rob would talk to John and John would talk to Russell, but the end result was whatever Russell said do. It was a mess [REDACTED] stated the only other way [REDACTED] could say it is that it was a shit show. That's why [REDACTED] couldn't take it [REDACTED] feels there were several employees on drugs from their actions, so [REDACTED] figured it was time to leave.

On a personal level John Spears was good to work for but he didn't know what he was doing. He would do anything Russell Tidaback told him to do. Safe or not [REDACTED] didn't know how many times [REDACTED] said, John we don't need to do that, and his reply was we have to Russell said we did. John's job was Operation's Manager, so he basically managed everybody. He would take over someone's job and do it if they thought it was unsafe. If an employee would say to him, this is not safe he would take it over and do it anyway. He even would bribe people with saying ah go ahead and I'll got to Dairy Queen and get you a hamburger. That's sad but it was going to get done if Russell said get it done.

John is a competent person, but he makes the decisions he makes from Russell's directions. He does everything Russell tells him to do. Other than John, Rob was the only other levelheaded person there.

[REDACTED]  
There were probably 100 or more and there wasn't around 4-5 people who worked there in the plant. It was a revolving door because the workplace and atmosphere was so toxic.

[REDACTED] John would have Teams chats with Russell, but he would close his door so [REDACTED]



MEMORANDUM OF INTERVIEW OF [REDACTED]



Case No. MADI-CD-2023-03

no one could hear the conversation. [REDACTED]

[REDACTED] the switchboard room in the plant and it looked like something out of the 1940's. Some buttons worked. Some didn't. They have wired things out, so it was a nightmare. Half of them didn't work. Nothing worked. That's why they went through so many maintenance people. They would have an outside company come in and work on stuff, then wouldn't pay them or wouldn't pay to buy parts. Just limped it through the best they could to keep from spending any money to repair. It was old and outdated. [REDACTED]

They didn't do any x-rays [REDACTED] started or during employment [REDACTED] was not sure if they did anyone else. [REDACTED] thought they were supposed to. Just a poor job. Very bad [REDACTED] couldn't handle this place. It was very poorly run and operated. The people that were supposed to know and manage weren't very efficient in their capacity. Horrible environment. Rob was the only one who was trying to make it right. Even other employees who asked questions were ridiculed. Just going downhill.

The people from MSHA were trying to call so they just turned off that number. Then Inspectors show up and then we were shutdown. We received notifications from Missouri Department of Natural Resources, [REDACTED]

[REDACTED] It was something to do about they hadn't paid something, and they were shut down until they paid. So, they changed the name of the company to MO Seneca Mfr LLC to evade. But they used lots of different names and had multiple places in different states. And most of them didn't do anything. Something like a management company, partners or investors. But something wasn't right about this.

People were getting sick in the town. Cops showed up and was going to take us all to jail for dust coming out of the plant and exhaust stacks [REDACTED] Russell would swing thru there like over the weekend when no one was there and when we would come in on Monday filing cabinets of stuff would be like gone. Shadiest people [REDACTED] has ever worked for.

Exhibit No. 6 Pg. No. 4

MEMORANDUM OF INTERVIEW OF [REDACTED]



Case No. MADI-CD-2023-03

Multiple times a day Rob would come into John's office with concerns or work issues. He would tell John we need this to run, we need this to work properly, or we need this to be safe. Multiple reasons all the time to try and make things right but nobody wanted to fix anything. Especially Russell because he was just trying to save a dime.

On the Jan 20, 2023 per a deficiency written up about Rob which stated: "Kensley posted in the Ops chat group a pic of dust blowing out the back of the bldg.. Again, had to stress to Rob that he need to watch for any dust blowing out of the building. We can't have the Sherriff or DNR receiving complaints about us. We had to reiterate in the group that it was Robs responsibility to be inputting in the daily production worksheet what was produced each day before he leaves for the day. This wasn't done."

[REDACTED] "Let me tell you what really happened." [REDACTED] dust was boiling out the top of the exhaust stacks, what they call the Big Mac. [REDACTED] asked Rob what was going on and he told [REDACTED] he kept trying to shut it down but they, John and Russell wouldn't let him. [REDACTED]

[REDACTED] didn't recall everything in the conversation, but they were chatting, no we need to get this running. Got to get this product out the door. Got to get this money. Bla,Bla, Bla,Bla, Bla,Bla, Bla,Bla, Bla,Bla,Bla. We got to have this production. Got to have this money. But Rob wanted to shut it down, and most of the time he didn't because they wouldn't let him. He said I don't know what to do they won't let me shut down. It was just a mess. Everything was a mess all the time.

On the Jan 25, 2023, per a deficiency written up about Rob which stated: "Had to get onto Rob regarding keeping the completed bag inventory up to date. John and she discussed Robs attitude." Rob kept things up and [REDACTED]

[REDACTED] They never taught us how or trained us [REDACTED]

On the Dec 26, 2022, per a deficiency written up about Rob which stated: "Discussion with Rob about not meeting the daily production goals, teams members complaining that he doesn't know what he is doing and that he just gets angry and stomps around

Exhibit No 6 Pg No 5



MEMORANDUM OF INTERVIEW OF [REDACTED]



Case No. MADI-CD-2023-03

like a child. He isn't a leader and allows his team to push him around. His response was just nodding his head. She stressed filling out the tasking board every day and making sure the things get done. If he has problems with someone, take it to John and John will get it resolved. Jim blames Rob." [REDACTED] they always blamed Rob. Rob always had to be parenting everyone else. Rob repeatedly had to keep everything going and everyone working.

[REDACTED] had anyway to get to the Teams chats it would be differently from what [REDACTED] was sent by Russell. Russell was always blowing up the phone with team chats of do this, do that and sometimes at 4 o'clock in the morning. You know we can't do this if we don't have that so how are we supposed to do that. We'll, figure it out. We did what we could within reason, but we didn't have anything to do with. It was chaotic to say the least.

Bottom line is Rob was a stand-up guy. He stood up for the workers. He stood up for what was right. He stood up for the health and safety [REDACTED] stated that firing Rob was a bad mistake because it will be hard to find anyone who knows about the operation that Rob does. He literally figured it out on his own. He had no help from Jim because he was strung out. You have to be smart to figure out that switchboard and all of them buttons and what they operated and know the sequences in which to start and shutdown. John didn't know how, he was learning. Rob was there before John. You would've thought he would have got the Operations manager job over John, but Russell wanted someone who was a yes man and do whatever he said, so he got John. Rob wouldn't have been that. He was a standup guy.

5

Exhibit No. 6 Pg. No. 6

MEMORANDUM OF INTERVIEW OF [REDACTED]



Case No. MADI-CD-2023-03

CLOSING:

Question: Is there anything that you expected me to ask, that I did not ask?

Response: No

Questions: Do you have any questions or concerns?

Response: No

Question: Have I or any other MSHA personnel threatened or intimidated you in any way?

Response: No

Question: Has anyone not with MSHA threatened or intimidated you or instructed you on how to respond to any of the questions that you may be asked in this investigation?

Response: No

Question: Have you been offered any rewards, or promises of reward, in return for this statement?

Response: No

Question: Have you given this statement freely and voluntarily?

Response: Yes

Question: Is there anything you care to add for the record?

Response: No

I have prepared this memorandum on [REDACTED] after refreshing my memory from notes made during and immediately after the interview.

  
(Investigator)

I verify that this memorandum has recorded in it a summary of all pertinent matters discussed with the interviewee [REDACTED]

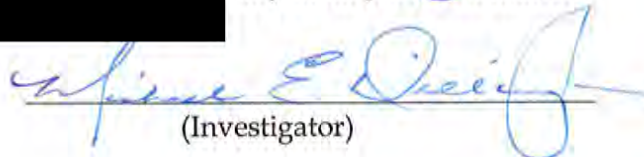
  
(Investigator)

Exhibit No 6 Pg No 7



MEMORANDUM FOR EVERT H. VAN WIJK  
Associate Regional Solicitor

*Kelvin B. Blue*  
FROM: For THOMAS W. CHARBONEAU  
Director, Office of Assessments

SUBJECT: Assessments Information for Section 105(c)  
Secretary of Labor obo Robert Baumann v. American Tripoli  
MO Seneca Mfr LLC dba American Tripoli Mill, Mine ID 23-00504  
Case Number: MADI-CD-2023-03

This office has reviewed your request for proposed civil penalties on the subject case. Based on the criteria outlined in 30 C.F.R § 100.3 and the information available to the Office of Assessments, we recommend civil penalties for American Tripoli of \$15,000 (retaliation) and \$17,500 (interference).

In arriving at the recommended penalty amounts, the following information was considered:

Size of Mine	Hours/Tonnage 2022	Points Under 30 C.F.R § 100.3(b) and (c)
Mine	17,509	2
Controller	17,509	0
Violation History	Previous 15 Months	
Number of violations	9	
Number of inspection days	37	
Violations per inspection	0.24	0
10 Year 105(c) Violation History	Mine	Controller
Total number of Section 105(c) Violations	0	0

Please contact Venkatrao Thummala at (202) 693-9625 if you have any questions.

cc: Elaine Smith, SOL  
Laura O'Reilly, SOL  
Charles W. Gordon, Counsel for Safety and Health

Transcript of the Testimony of

**RUSSELL TIDABACK**

January 22, 2024

MSHA vs MoSenecaManufacturer, LLC

CENT 2023-0251



Alpha Reporting & Video  
1911 S. National Ave., Suite 405  
Springfield, MO 65804  
Phone: 417-887-4110  
transcripts@alphareportingservice.com  
www.alphareportingservice.com

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

ACTING SECRETARY OF LABOR, JUDGE MORAN  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)  
and ROBERT BAUMANN, DISCRIMINATION PROCEEDING

Petitioners,

vs. DOCKET NO. CENT 2023-0251  
MSHA No. MADI-CK-2023-03

MOSENECAMANUFACTURER  
LIMITED LIABILITY COMPANY Mine: MOSenecMFR LLC dba  
d/b/a AMERICAN TRIPOLI, American Tripoli  
Respondent. Mine ID: 23-00504

DEPOSITION OF MR. RUSSELL TIDABACK,  
produced, sworn, and examined on Monday, January 22,  
2024, at 9:03 a.m. of that day, via remote  
videoconference, before MARY S. McCARTY, CCR, in the  
above-captioned cause; taken on behalf of the  
Petitioners.

ALPHA REPORTING & VIDEO  
1911 South National, Suite 405  
Springfield, Missouri 65804  
(417) 887-4110



Page 2				Page 4			
1	A P P E A R A N C E S			1	Ex. 30	Employment offer letter to	147
2						Baumann	
3	For Petitioners:	MS. LAURA M. O'REILLY		2			
		MS. ELAINE SMITH			Ex. 31	Reset Form	196
4		MR. QUINLAN B. MOLL		3			
		U.S. Department of Labor		4			
5		Office of the Solicitor		5		(Exhibits attached; scans to Ms. O'Reilly.)	
		2300 Main Street, Suite 10100		6			
6		Kansas City, Missouri 64108		7			
		(816) 285-7260		8			
7		OReilly.Laura.M@dol.gov		9			
8		Smith.Elaine.M@dol.gov		10			
9	I N D E X			11			
10	TESTIMONY OF			12			
	MR. RUSSELL TIDABACK			13			
11			PAGE	14			
12	Examination by Ms. O'Reilly		4	15			
13	REPORTER'S CERTIFICATE		217	16			
14	Phonetic spellings are signified by: [ph.]			17			
15	Exactly as stated: [sic]			18			
16				19			
17	E X H I B I T S			20			
18	NO.	DESCRIPTION	PAGE	21			
19	Ex. 1	Respondent's Response to Acting	58	22			
		Secretary of Labor's Third		23			
20		Requests for Production of		24			
		Documents		25			
21	Ex. 2	Production report	61				
22	Ex. 3	Group chats with "Baumann" and	70				
23		"Rob" search terms					
24	Ex. 4	Mill group chat 2-1-23 - 4-17-23	85				
25	Ex. 5	Group chat 2-14	88				
Page 3				Page 5			
1	Ex. 6	Group chat 2-14	90	1	Whereupon,		
2	Ex. 7	Group chat 2-14	92	2		MR. RUSSELL TIDABACK,	
3	Ex. 8	Group chat 4-14	92	3	being produced, sworn, and examined, testified as		
4	Ex. 9	Group chat 9-25 search term "MSHA"	95	4	follows:		
5		results		5		EXAMINATION	
6	Ex. 10	Group chat 4-17 - 5-7	97	6		BY MS. O'REILLY:	
7	Ex. 11	Respondent's Second Interrogatories	100	7	Q.	Okay. Good morning. Could you please state your	
		and Response for Production of		8		full name for the record?	
8		Documents		9	A.	Russell Tidaback. Russell Wayne Tidaback I guess	
9	Ex. 12	Respondent's Third Interrogatories	101	10		would be the full name.	
		and Response for Production of		11	Q.	My name's Laura O'Reilly. I'm an attorney with he	
10		Documents		12		Department of Labor, Office of the Solicitor, and	
11	Ex. 13	Mill group chat 4-3 - 4-26	103	13		Elaine Smith is also here with me. She's also an	
	Ex. 14	No Gossip Policy	105	14		attorney with the Department of Labor Office of	
12	Ex. 15	Employee's Handbook	108	15		Solicitor. We are here conducting your deposition	
13	Ex. 16	Certificate of Training	109	16		in the case of Secretary and Robert Baumann vs.	
14		for R. Baumann		17		MOSenecaManufacturer Limited Liability Company	
15	Ex. 17	Daily workplace exam report	111	18		doing business as American Tripoli in docket S --	
16	Ex. 18	Email from Tidaback to Bishop 9-19-23	208	19		CENT, C-E-N-T, 2023-0251 pending with the Federal	
17	Ex. 19	Production Lead Duties	116	20		Mine Safety and Health Commission.	
18	Ex. 20	Interrogatories	121	21		It is my understanding that you do not have	
19	Ex. 23	Emails from Tidaback to Dillingham	161	22		an attorney with regard to this case in Docket	
20	Ex. 24	Baumann termination letter	162	23		2023-0251, correct?	
21	Ex. 25	Termination letters	187	24	A.	That is correct.	
22	Ex. 26	Reprimands	191	25	Q.	And it's also correct that you don't have an	
23	Ex. 27	Earnings statement for Baumann	142				
24	Ex. 28	Payroll details	144				
25	Ex. 29	PTO hours	146				



Page 6	Page 8
<p>1 attorney with regard to this deposition, 2 personally or otherwise? 3 A. I do not have an attorney -- 4 Q. Representing you with regard to this deposition in 5 this case. 6 A. No, I do not. 7 Q. I'm going to kind of go over some of the ground 8 rules for deposition just briefly. 9 If you do not understand a question, please 10 tell me and I will attempt to rephrase it. 11 If you answer a question, it's going to be 12 assumed that you understood and meant to give the 13 answer that you gave. 14 Do you agree to let me know when you do not 15 understand a question? 16 A. Yes. Yeah. I'll ask -- you should know that. 17 Thank you. 18 Q. Also, at any time please let me know if you want 19 to take a break. The only thing I will ask is 20 that you finish answering whatever pending 21 question there is and then we can take a break 22 after that. 23 A. Okay. 24 Q. As a general rule, we need to be careful not to 25 talk over one another since the court reporter is</p>	<p>1 paper--you can do that--but you shouldn't have any 2 documents open on your computer or other 3 applications or any other physical documents in 4 front of you. 5 A. Not even my notes that I've already made about 6 this? I can't refer to those notes? 7 Q. No. Not unless you're, like, actively writing. 8 Like something that you're writing right now, like 9 if you just wrote, She told me not to write notes, 10 or, She told me that I could take notes. Like 11 that's different than -- but if you brought in 12 notes from outside, you shouldn't be looking at 13 those. 14 A. But they were notes about this complaint. So I 15 can't use the notes I've already created about 16 this complaint? 17 Q. Correct. 18 A. So I can't use my notes. Okay. That doesn't make 19 any sense. But I can still use my computer to 20 take notes during this deposition. 21 Q. Correct. To take notes, yeah. 22 A. Okay. 23 Q. So do you agree to not look at other documents or 24 applications during this deposition? 25 A. Yes.</p>
Page 7	Page 9
<p>1 taking this down. So I'll ask my question and 2 then I'll give you a chance to answer the question 3 before speaking over you. 4 And all answers need to be given verbally so 5 the court reporter can take it down. 6 Do you understand that you are under oath? 7 A. Yes. 8 Q. And is there any reason today why you cannot give 9 full and truthful answers? 10 A. No. 11 Q. And you are not under the influence of any 12 substance or suffering from any condition or 13 illness that would impair your ability to give 14 full and truthful answers to my questions today? 15 A. No. 16 Q. And this is a remote deposition, so during this 17 statement I would ask that you not look at any 18 documents or have any other documents or 19 applications open on your computer. Can you agree 20 to that? 21 A. Oh, you don't want me to have the complaint or 22 anything in front of me so I can read it? 23 Q. No. You shouldn't have any documents. If we need 24 documents, I'll share my screen. Other than, 25 like, notes that you may want to take on</p>	<p>1 Q. Okay. 2 A. I'm closing it clean so. . . . 3 Q. Okay. And where are you located right now -- 4 A. Today we're in -- 5 Q. -- for this deposition? 6 A. -- southwest Florida. 7 Q. And are you in, like, your office or is that -- 8 A. Yes, we're in an office. An office. 9 Q. And is anyone there with you? 10 A. Like, Jordan Tidaback. She can be in and out 11 throughout the day. 12 Q. And I would just ask that you not speak with her 13 during the deposition or have her tell you answers 14 or give you advice during the deposition. 15 A. Yes. 16 Q. Okay. Did you do anything to prepare for today's 17 statement? 18 A. Yes. Made notes, reviewed the complaint. 19 Q. Did you do anything else? 20 A. No. 21 Q. Did you speak with anyone about this deposition to 22 prepare for the deposition? 23 A. No. 24 Q. And could you give me your education history after 25 high school?</p>

Page 10	Page 12
<p>1 A. Dealing with -- dealing with what, should I say, 2 because there's a lot. 3 Q. Like, any degrees you have. 4 A. Okay. So I have a -- let's see here, an undergrad 5 in computer science, a master's degree in 6 business, a pilot's license, helicopter commercial 7 pilot's license. Is that what you want, just 8 my -- education-wise? 9 Q. Yeah. Yeah. That's fine. 10 Okay. And your master's in business, is that 11 an MBA? 12 A. Yes, it is an MBA. Mm-hmm. 13 Q. And are you currently employed? 14 A. No. 15 Q. Okay. And so what would you consider your role 16 with American Tripoli to be? 17 A. I'm a managing member of an entity that owns 18 MOSenecaManufacturer. 19 Q. And what is that entity? 20 A. Omphalos Limited Liability Corporation. 21 Q. And where is that company registered, Omphalos? 22 A. Wyoming, if I'm not mistaken. Yeah. 23 Q. And do you have a job title or any title other 24 than managing member with American Tripoli? 25 A. No.</p>	<p>1 A. Consulting, research, advisory, acquisitions. 2 Q. And what fields are you doing consulting work in? 3 A. Acquisitions. 4 Q. And what fields are you doing research and 5 advisory? 6 A. Different industries. We're industry agnostic. 7 Q. And is that through a company? 8 A. Omphalos. 9 Q. So Omphalos does consulting work, too? 10 A. Yes. 11 Q. Does Omphalos do any other work other than 12 consulting and research and advisory and 13 acquisitions? 14 A. No. It's for our own entity structure. 15 Q. And who are all the members of Omphalos? 16 A. Jordan Tidaback and myself. 17 Q. Is there anyone else in management of Omphalos? 18 A. No. 19 Q. Does Omphalos have any direct employees? 20 A. No. 21 Q. When did you -- when did Omphalos first acquire 22 American Tripoli? 23 A. Without my notes, I -- I'd be guessing. I would 24 have to say it was either 2020 or 2019. 25 Q. Okay. And were you a member of Omphalos when that</p>
Page 11	Page 13
<p>1 Q. And do you work for any other companies other than 2 American Tripoli? 3 A. I don't work for American Tripoli. 4 Q. Okay. Do you have an ownership interest in other 5 companies that you do work on? 6 A. Yes. 7 Q. And what are those? 8 A. Omphalos, LLC. 9 Q. Any other companies? 10 A. No. 11 Q. So Omphalos, LLC and American Tripoli are the only 12 two companies that you have ownership interest in? 13 A. No. MosenecaManufacturing is owned by Omphalos, 14 LLC. 15 Q. So the only company you have an ownership interest 16 in is Omphalos, LLC? 17 A. Yes. 18 Q. And does Omphalos, LLC own any other companies? 19 A. No. 20 Q. And how much of your time in any given week is 21 spent working on American Tripoli matters? 22 A. Maybe a couple hours. 23 Q. Do you do any other work? 24 A. Yes. 25 Q. What other work do you do?</p>	<p>happened? 2 A. Yes. 3 Q. When it acquired American Tripoli? 4 A. Yeah, we're founders. 5 Q. And I'll just pause and note Quinlan Moll has 6 joined. He's an attorney with the U.S. Department 7 of Labor as well. I just wanted to note that for 8 the record. 9 And then how was American Tripoli originally 10 financed? 11 A. Debt. Debt and equity. 12 Q. And how is it currently funded? Is it the same 13 way? 14 A. Yeah. Mm-hmm. 15 Q. Okay. While Omphalos owned American Tripoli, did 16 American Tripoli get any PPP funds? 17 A. Omphalos doesn't own American Tripoli. American 18 Tripoli is -- does business as 19 MOSenecaManufacturer and Omphalos owns 20 MosenecaManufacturing, and, no, we didn't get any 21 PPP funds. 22 Q. Did MOSeneca get any PPP funds? 23 A. No. No. We've never taken any government 24 funding. 25 Q. Okay. Who would you consider to be in management</p>

<p style="text-align: right;">Page 14</p> <p>1 of American Tripoli?</p> <p>2 A. John -- Mr. John Spears is the operations manager.</p> <p>3 Q. Is anyone else in management?</p> <p>4 A. At this time, Mr. Don Hale is the assistant</p> <p>5 manager.</p> <p>6 Q. Anyone else?</p> <p>7 A. No.</p> <p>8 Q. Would you consider yourself in management of the</p> <p>9 company?</p> <p>10 A. Only like, as we talked before, the managing</p> <p>11 member. Yeah.</p> <p>12 Q. Is Jordan Tidaback also a managing member?</p> <p>13 A. She's a member, yes.</p> <p>14 Q. Not a managing member?</p> <p>15 A. Not a managing member.</p> <p>16 Q. Okay. And who would you consider to have been in</p> <p>17 management in April of 2023 at American Tripoli?</p> <p>18 A. Only John Spears.</p> <p>19 Q. Was Robert Baumann considered to be in management?</p> <p>20 A. No.</p> <p>21 Q. Prior to your work with American Tripoli, did you</p> <p>22 have any experience in mining?</p> <p>23 A. Not specifically mining, no.</p> <p>24 Q. What sort of training have you had in mining since</p> <p>25 working for American Tripoli, or even before, if</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And during what time period were you -- was your</p> <p>2 job focused on, like, OSHA safety?</p> <p>3 A. Two thousand -- specifically OSHA titles? The</p> <p>4 civil service technician was 2005 to 2009, '10.</p> <p>5 Q. Okay.</p> <p>6 A. Because I went in aviation, which dealt with</p> <p>7 aviation safety and OSHA, and that went on until</p> <p>8 2017. So, I mean, there's a lot.</p> <p>9 Q. Did you have my special --</p> <p>10 A. Go ahead. Sorry.</p> <p>11 Q. Did you have any, like, special area of focus when</p> <p>12 you did the OSHA work for the military?</p> <p>13 A. Yes. Aviation training, safety, SOPs, the</p> <p>14 management side, budget side, and then up to OSHA</p> <p>15 30 training.</p> <p>16 Q. Okay.</p> <p>17 A. Motorcycle safety, heavy vehicle safety, heavy</p> <p>18 equipment safety.</p> <p>19 Q. And when you said you used to give OSHA training,</p> <p>20 what was that in context of?</p> <p>21 A. Training classes, whether it be a new hire, from</p> <p>22 two people up to 300, maybe a little larger, for</p> <p>23 safety stand-downs and safety seminars.</p> <p>24 Q. And what sort of OSHA standards would you be going</p> <p>25 over in that -- those type of classes?</p>
<p style="text-align: right;">Page 15</p> <p>1 there was any before?</p> <p>2 A. As far as -- I mean, there's so much to mining,</p> <p>3 depends on what you're talking about. Are you</p> <p>4 talking about safety training?</p> <p>5 Q. Sure, safety training.</p> <p>6 A. Yeah, just MSHA-provided training.</p> <p>7 Q. Had you received any miner's training?</p> <p>8 A. You said safety training. Sorry. You said</p> <p>9 safety?</p> <p>10 Q. Yeah.</p> <p>11 A. Safety is totally different thing because I'm</p> <p>12 OSHA-certified. I was OSHA instructor for the</p> <p>13 Department of Defense, the Oklahoma Army National</p> <p>14 Guard, the Oklahoma Military Department. There's,</p> <p>15 let's see, 13 years of experience in safety on the</p> <p>16 OSHA side.</p> <p>17 Q. Okay. So let's talk about that. When did you do</p> <p>18 that OSHA safety work?</p> <p>19 A. That started in 2000, if I remember correctly, and</p> <p>20 when I left the Oklahoma Army National Guard, that</p> <p>21 was in 2013, and then my military service started</p> <p>22 in 1997 and it ended -- if I remember correctly,</p> <p>23 it was in 2018. So all the military safety</p> <p>24 training and OSHA training that they provided, I</p> <p>25 was an instructor for them as well.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Can you repeat that question?</p> <p>2 Q. Yeah. What sort of OSHA standards would you be</p> <p>3 going over when you were giving that kind of</p> <p>4 training?</p> <p>5 A. Up to OSHA 30 standards.</p> <p>6 Q. So would it be, like, general OSHA or, like,</p> <p>7 construction stuff? Was there any -- like, all of</p> <p>8 that?</p> <p>9 A. Yes. It depended on the audience whether it be</p> <p>10 building safety, heavy equipment safety,</p> <p>11 operational safety, aviation safety, combat arms</p> <p>12 safety, personal safety. That kind of stuff,</p> <p>13 yeah.</p> <p>14 Q. Okay. Are you familiar with OSHA's manufacturing</p> <p>15 safety standards?</p> <p>16 A. Yes and no. Not as far as on the civilian side,</p> <p>17 depending on the contract that we had. We'd have</p> <p>18 to go in there and look at their safety.</p> <p>19 Q. Had you ever dealt with OSHA's, like,</p> <p>20 lockout/tagout standards?</p> <p>21 A. Yes.</p> <p>22 Q. How familiar were you with those?</p> <p>23 A. Familiar enough to train it.</p> <p>24 Q. Okay. So you did training on lockout/tagout --</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. -- for OSHA?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. And did you do machine guarding training for OSHA?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any experience in geology, either work</p> <p>6 or education?</p> <p>7 A. I studied it a couple of years, but no -- no</p> <p>8 additional -- no official, like, degree or</p> <p>9 certification or anything, no.</p> <p>10 Q. And when you say studied it, was that at a</p> <p>11 university?</p> <p>12 A. Yes, the University of Texas of El Paso and the</p> <p>13 University of Oklahoma. I don't remember the</p> <p>14 professor's name--I could find it for you--that I</p> <p>15 spoke with and communicated and. . . .</p> <p>16 Q. Were you enrolled in any geology classes?</p> <p>17 A. No.</p> <p>18 Q. So this is -- this is just your personal research?</p> <p>19 A. Yeah.</p> <p>20 Q. And when did you do this?</p> <p>21 A. It started probably 2008, 2009, when we were being</p> <p>22 deployed back to Iraq as aviation unit, part of</p> <p>23 the safety to figure out what's going on in the</p> <p>24 dust and stuff like that.</p> <p>25 Q. Okay. Prior to working with American Tripoli, did</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Did you have any experience with MSHA or</p> <p>3 MSHA standards prior to starting working with</p> <p>4 American Tripoli?</p> <p>5 A. (Shakes head.)</p> <p>6 Q. Sorry. What was that? I think you cut out a</p> <p>7 little bit.</p> <p>8 A. No.</p> <p>9 Q. Okay. And did Jordan Tidaback have any mining</p> <p>10 experience or experience with MSHA prior to</p> <p>11 working with American Tripoli?</p> <p>12 A. No.</p> <p>13 Q. And you live in Florida, correct?</p> <p>14 A. I have a residence in Florida. I don't</p> <p>15 necessarily consider myself -- as my home of</p> <p>16 record and stuff like this.</p> <p>17 Q. And do you do work for American Tripoli while</p> <p>18 you're in Florida?</p> <p>19 A. Like I said, it just depends on what's needed from</p> <p>20 John. Normal operations, yeah. Like I said, it's</p> <p>21 a few minutes here there, here there, whatever's</p> <p>22 needed.</p> <p>23 Q. And how often do you come to the mine location in</p> <p>24 Seneca?</p> <p>25 A. That is as needed. You know, it could be a couple</p>
<p style="text-align: right;">Page 19</p> <p>1 you have any experience in manufacturing?</p> <p>2 A. As far as owning it? No.</p> <p>3 Q. Working in --</p> <p>4 A. Yes.</p> <p>5 Q. -- manufacturing?</p> <p>6 A. Yeah. I worked at Frito-Lay before joining the</p> <p>7 Army in their Orlando manufacturing plant.</p> <p>8 Q. And when was that?</p> <p>9 A. That would have been '92.</p> <p>10 Q. And what was your role there?</p> <p>11 A. I don't really remember the position title. My</p> <p>12 mother worked there, got a job there, and then the</p> <p>13 management staff had a management program, like</p> <p>14 shadowing new managers coming down, and that's --</p> <p>15 that's what I got sucked into, their program for</p> <p>16 leadership and management.</p> <p>17 Q. Okay. Were you working in the manufacturing plant</p> <p>18 for Frito-Lay --</p> <p>19 A. Yes. Mm-hmm.</p> <p>20 Q. -- or any manufacturing areas? Okay.</p> <p>21 And did you deal with safety in that role.</p> <p>22 A. Yes, attended safety meetings and briefings and</p> <p>23 stuff like that, daily.</p> <p>24 Q. And those dealt with, like, OSHA manufacturing</p> <p>25 standards, like lockout/tagout, machine guarding?</p>	<p style="text-align: right;">Page 21</p> <p>1 days at a time. Not very often. That's not how</p> <p>2 we do business.</p> <p>3 Q. Okay. How often would you say you come, I guess,</p> <p>4 per month?</p> <p>5 A. Zero per month. It's maybe once -- well, like</p> <p>6 John was gone for a week this year for his</p> <p>7 vacation, so we came in, since there was no</p> <p>8 manager to back him up, before we hired Mr. Hale.</p> <p>9 Actually, I think he was there but he was fairly</p> <p>10 new.</p> <p>11 Q. Okay.</p> <p>12 A. So five days this year, I do believe.</p> <p>13 Q. You were there five days?</p> <p>14 A. I do believe.</p> <p>15 Q. In 2023?</p> <p>16 A. I think so, yes.</p> <p>17 Q. Were you there at any other time in 2023?</p> <p>18 A. Not that I can recall. I'd have to look back</p> <p>19 through the notes.</p> <p>20 Q. Do you know about how many days you would have</p> <p>21 been there in 2022?</p> <p>22 A. No, but I know it was -- I think it was more.</p> <p>23 Yeah. More than that. I would say probably 10</p> <p>24 days. I'm not sure.</p> <p>25 Q. Okay. Did you ever meet Robert Baumann in person?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. Yes. Yes.</p> <p>2 Q. How many times?</p> <p>3 A. I couldn't tell you. I mean, every time that I</p> <p>4 was there, logically we met. We discussed things,</p> <p>5 how things were going, operations, counsel him,</p> <p>6 mentor him. I don't think I interviewed him. I</p> <p>7 may have interviewed him, depending on the timing.</p> <p>8 I'd have to look back in my notes. Because we</p> <p>9 went -- 2022 -- 2021, 2022 we went -- even 2023 we</p> <p>10 went through a high turnover. Employee turnover</p> <p>11 was really high. So I'd have to look back at the</p> <p>12 details to see who was the operations manager at</p> <p>13 that time when Mr. Baumann was hired to see if I</p> <p>14 would have done the interviews or not.</p> <p>15 Q. Okay. And if you would have done interviews,</p> <p>16 would that have been in person?</p> <p>17 A. We did some in person and then we did some over --</p> <p>18 just like this call here, video call, conference</p> <p>19 call. Phones calls, too.</p> <p>20 Q. And when you -- oh. Go ahead. Sorry.</p> <p>21 And when you're at the mine, are you usually</p> <p>22 there -- like when you come to Seneca, are you</p> <p>23 usually there -- at the mine the whole day or what</p> <p>24 are you doing when you're there?</p> <p>25 A. Yes. When we're there, we're there for the whole</p>	<p style="text-align: right;">Page 24</p> <p>1 all sides bay, if you want to call it that, and</p> <p>2 it's dried for 9 to 12 months.</p> <p>3 And then, based on sales demand and needs, we</p> <p>4 load it back into a dump truck, take it to the</p> <p>5 mill, which is approximately two -- I think it's</p> <p>6 two, two and a half miles away, where it then gets</p> <p>7 processed. So that's -- that's really the</p> <p>8 difference between -- oh, and the plant is in</p> <p>9 Newton County, Missouri. You walk out our front</p> <p>10 of our admin building and you take two steps in</p> <p>11 the road, you're in Oklahoma. The border's that</p> <p>12 close. So we're in Oklahoma and Missouri. It's</p> <p>13 right on the border.</p> <p>14 Q. And is -- the mill is located in Missouri; is that</p> <p>15 right?</p> <p>16 A. Yes. The mill and the admin building, the garage</p> <p>17 and the warehouse is all in Seneca, Missouri.</p> <p>18 Yeah.</p> <p>19 Q. And do you have, like, a specific set of employees</p> <p>20 that work in the -- on the Oklahoma side versus</p> <p>21 the Missouri side, or does everyone kind of do</p> <p>22 everything?</p> <p>23 A. I -- so the progression plan established before us</p> <p>24 was that the mill associates start at the entry.</p> <p>25 They're right off the street. They don't really</p>
<p style="text-align: right;">Page 23</p> <p>1 day, and then depending on the period, if it's</p> <p>2 just a couple days or if it's a week, you know,</p> <p>3 we're at the mine every day. In the mill every</p> <p>4 day, you know.</p> <p>5 Q. Have you ever personally -- did you ever</p> <p>6 personally observe Robert Baumann, like, actively</p> <p>7 working, doing his job?</p> <p>8 A. Oh, yes. Yes. I mentored him.</p> <p>9 Q. And the mine is located in both Oklahoma and</p> <p>10 Missouri; is that correct?</p> <p>11 A. Yes. So American Tripoli started in 18 -- it was</p> <p>12 founded in 1869, and at one time they owned 36,000</p> <p>13 acres in the area, and over time the companies</p> <p>14 have sold it off and it's got down to the 1200</p> <p>15 acres that is left in Ottawa County, Oklahoma.</p> <p>16 It's an open pit mine. There is no underground</p> <p>17 work at all. They excavate the Tripoli by using a</p> <p>18 bulldozer removing the overbrush and front-end</p> <p>19 loader it into a dump truck.</p> <p>20 That dump truck takes it -- I do believe it's</p> <p>21 eight -- it's either eight or ten miles to Seneca</p> <p>22 at our drying sheds, which is a separate location</p> <p>23 from our plant, which we call the company</p> <p>24 stockyard, where it is placed underneath drying</p> <p>25 sheds, which is just a cover, like a -- open on</p>	<p style="text-align: right;">Page 25</p> <p>1 have a lot of experience needed for the position.</p> <p>2 They get trained at MSHA training and safety</p> <p>3 training, and then the machine operator training,</p> <p>4 which is a position that they're in.</p> <p>5 And then as they progress and learn that</p> <p>6 position, there's different things in that</p> <p>7 position as well, such as being a bagger and then</p> <p>8 being a forklift operator, being a warehouse</p> <p>9 operator, and then also being a crusher operator.</p> <p>10 And then after you learn all those tasks, you</p> <p>11 move out to the quarry position, which is in</p> <p>12 Oklahoma, the open pit, where you learn --</p> <p>13 eventually these guys would learn to operate the</p> <p>14 heavy equipment.</p> <p>15 And then from that, now that you learned the</p> <p>16 heavy equipment side, how to identify tripoli, how</p> <p>17 to excavate the material, how to get your CDL so</p> <p>18 that you can drive the dump trucks on the public</p> <p>19 roads, taking it to the drying shed and taking it</p> <p>20 to the mill, that's how they progress.</p> <p>21 And then after they progress from the quarry,</p> <p>22 they come back to the mill and then their next</p> <p>23 progression steps would be trainer positions,</p> <p>24 safety positions, and then hopefully into a</p> <p>25 management-type position. That's the whole entire</p>

<p style="text-align: right;">Page 26</p> <p>1 plan.</p> <p>2 Q. And who runs the mill on a daily basis?</p> <p>3 A. We have Don -- Mr. Don Hale is the assistant</p> <p>4 manager now that runs the mill.</p> <p>5 Q. And what is what's John Spears' role?</p> <p>6 A. John Spears is the operations manager, the</p> <p>7 administrative operations manager.</p> <p>8 Q. And are you aware -- like, are you generally kept</p> <p>9 involved in what's going on at the mine on a daily</p> <p>10 basis?</p> <p>11 A. Yes. We use Microsoft Teams for that</p> <p>12 collaboration normally, and as they're asked and</p> <p>13 tasked you put everything in Teams so that</p> <p>14 everybody knows. The mill associates have the</p> <p>15 same access to that mill -- group mill chat group,</p> <p>16 I think it's called. That way all the</p> <p>17 communications is flowing through there so that</p> <p>18 everybody is kept informed of what's going on.</p> <p>19 Q. And when you say all communications are in there,</p> <p>20 what do you mean by that?</p> <p>21 A. For the mill associates. That way if something's</p> <p>22 going on in the mill, everybody knows what's going</p> <p>23 on. They put it in there, whether it be</p> <p>24 themselves or Mr. Baumann or Mr. Hale or</p> <p>25 Mr. Spears or Jordan or myself, asking questions,</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Sometimes -- because sometimes --</p> <p>2 Q. Oh.</p> <p>3 A. Because sometimes Teams just doesn't work. So</p> <p>4 sometimes the phone's better.</p> <p>5 Q. So Teams is kind of the first line of</p> <p>6 communication --</p> <p>7 A. Mm-hmm.</p> <p>8 Q. -- with the mine?</p> <p>9 A. Correct.</p> <p>10 Q. And how often would you say you talk on the phone</p> <p>11 to anyone at the mine?</p> <p>12 A. Again, that depends on need.</p> <p>13 Q. Would you say you're on the phone with someone</p> <p>14 from the mine daily?</p> <p>15 A. No, not daily. Not even --</p> <p>16 Q. Weekly?</p> <p>17 A. I wouldn't even say weekly. Yeah, I would say</p> <p>18 maybe every couple weeks somebody may make a phone</p> <p>19 call.</p> <p>20 Q. And who would that be?</p> <p>21 A. Any of them. Anybody. Any of the -- any</p> <p>22 employee. They have direct access to call me.</p> <p>23 Q. Okay. Do you use email at the mine to</p> <p>24 communicate?</p> <p>25 A. No, we don't. It's -- we use email for external</p>
<p style="text-align: right;">Page 27</p> <p>1 what's going on, what shipments are coming out,</p> <p>2 hey, I need new bags -- or more bags, I need more</p> <p>3 pallets, that kind of stuff. That's what that</p> <p>4 group's for.</p> <p>5 Q. Okay. And so if something's going on at the mine</p> <p>6 that needs, like, management attention, you would</p> <p>7 expect that to be in the Teams chats?</p> <p>8 A. Well, we hired Mr. Spears to do his role, so we</p> <p>9 expect him to do his role. If something is needed</p> <p>10 that he can't do or has questions on, logically,</p> <p>11 then he asks. Yeah.</p> <p>12 Q. So he -- John Spears and Don Hale kind of run the</p> <p>13 mine on a daily basis, and if they need to elevate</p> <p>14 something to you, they will, but they don't tell</p> <p>15 you everything that's going on --</p> <p>16 A. No.</p> <p>17 Q. -- throughout the day.</p> <p>18 A. That's correct. Yeah.</p> <p>19 Q. And is Teams your primary means of communication</p> <p>20 to know what's going on at the mine?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. Are you ever talking on the phone to anyone at the</p> <p>23 mine?</p> <p>24 A. Yeah. It just depends on what's going on.</p> <p>25 Q. Do you talk on the phone with --</p>	<p style="text-align: right;">Page 29</p> <p>1 purposes and chat and Teams for internal.</p> <p>2 Q. Okay. And what about text messaging? Is that</p> <p>3 ever used to communicate with employees at the</p> <p>4 mine?</p> <p>5 A. Yes. Some employees like to use that because</p> <p>6 that's what they're used to. So I -- you know, we</p> <p>7 try to push them all towards Teams and eventually</p> <p>8 they get on Teams and stuff like that.</p> <p>9 Q. How often are you text messaging with someone at</p> <p>10 the mine?</p> <p>11 A. Again, that's -- same thing with the phone calls.</p> <p>12 That's very sporadic, just like -- we're trying to</p> <p>13 push everybody to Teams so that it's one</p> <p>14 communication channel.</p> <p>15 Q. So maybe every couple of weeks there's text</p> <p>16 messages?</p> <p>17 A. Yeah. It's usually when they first start, you'll</p> <p>18 get a few text messages as the group, and then</p> <p>19 once they get accustomed to Teams, they all use</p> <p>20 Teams.</p> <p>21 Q. Okay. And how many times does -- has Jordan come</p> <p>22 to the mine? Does she come with you whenever you</p> <p>23 go?</p> <p>24 A. Yes. Yeah. Any time that we travel there, we're</p> <p>25 together.</p>



Page 30	Page 32
<p>1 Q. Has she ever gone without you?</p> <p>2 A. No.</p> <p>3 Q. Okay. And what activities do you perform</p> <p>4 specifically for American Tripoli? Is there any</p> <p>5 roles or jobs that have to get done that only you</p> <p>6 do?</p> <p>7 A. Oh, that only I do?</p> <p>8 Q. Or that you have a hand in, I guess.</p> <p>9 A. I'm sorry. Say again.</p> <p>10 Q. That you have a hand in.</p> <p>11 A. Well, I have a hand in everything.</p> <p>12 Q. Okay. What type of things do you -- what type of</p> <p>13 activities do you perform for American Tripoli?</p> <p>14 A. Only -- only what's needed.</p> <p>15 Q. Okay. Do you participate in hiring employees?</p> <p>16 A. Do I participate in it? Yes. Yeah. We assist</p> <p>17 John where he needs assistance. For example, if</p> <p>18 he -- if we are hiring a maintenance guy and</p> <p>19 there's no maintenance guy on staff, then we're</p> <p>20 looking through the Indeed applicants and stuff</p> <p>21 like that, establishing the initial contact,</p> <p>22 giving them John's information so they can contact</p> <p>23 John and set up the phone interviews, stuff like</p> <p>24 that.</p> <p>25 All the financials. Those are done internal</p>	<p>1 company?</p> <p>2 A. Same. It's outsourced or we're handling it</p> <p>3 internally, mm-hmm.</p> <p>4 Q. And what is -- how is sales outsourced?</p> <p>5 A. Through contractors? Is that what you mean? Yes.</p> <p>6 Q. Like sales managers or sales --</p> <p>7 A. Yeah.</p> <p>8 Q. -- members?</p> <p>9 A. Yeah.</p> <p>10 Q. And does Jordan do anything different from those</p> <p>11 activities that you just described?</p> <p>12 A. Different in -- what do you mean by "different"?</p> <p>13 Q. You listed some things you do like financials and</p> <p>14 administrative.</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Is there anything that she's also doing for</p> <p>17 American Tripoli that you're not doing that you</p> <p>18 didn't already describe?</p> <p>19 A. I wouldn't think so. I think we both do the same.</p> <p>20 One focuses more on the other, back each other up,</p> <p>21 stuff like that. I think we're both doing</p> <p>22 acquisition research.</p> <p>23 Q. Is that acquisition research for MoSeneca?</p> <p>24 A. No, to try to -- acquiring new businesses.</p> <p>25 Q. For Omphalos?</p>
Page 31	Page 33
<p>1 to the bookkeepers and us. You know, the</p> <p>2 administrative side. This past year, since John's</p> <p>3 been there, short on staff, so a lot of the</p> <p>4 administrative stuff is passed off to us.</p> <p>5 Q. And when you say "us," you mean you and Jordan?</p> <p>6 A. Yes. Sorry. Yeah. Jordan and I.</p> <p>7 Q. What sort of administrative stuff are you talking</p> <p>8 about?</p> <p>9 A. SOPs, you know, quotes for parts and stuff like</p> <p>10 that. John will get them; we'll put them into</p> <p>11 business central so that they get processed.</p> <p>12 Receipts, we process all the receipts. Just the</p> <p>13 administrative stuff.</p> <p>14 Q. Okay.</p> <p>15 A. Dealing with the bookkeepers and sales, quotes,</p> <p>16 stuff like that.</p> <p>17 Q. And do you have bookkeepers for American Tripoli?</p> <p>18 A. Yes.</p> <p>19 Q. Do they work at American Tripoli?</p> <p>20 A. No. They are -- they're remote.</p> <p>21 Q. And are they direct employees of the company or is</p> <p>22 that something, like, you've outsourced to a third</p> <p>23 party?</p> <p>24 A. Outsourced. Contractors, yeah.</p> <p>25 Q. And what about sales? Who handles sales for the</p>	<p>1 A. Yes.</p> <p>2 Q. Who has the ultimate hiring employee -- hiring</p> <p>3 authority when you're hiring employees?</p> <p>4 A. You -- for American Tripoli?</p> <p>5 Q. Yeah.</p> <p>6 A. Yeah. So John -- John would be there locally so</p> <p>7 he's doing the interviews with them so he's -- he</p> <p>8 really has the last say. Of course, if, you know,</p> <p>9 something was blatantly wrong, I guess he would</p> <p>10 say I don't really know, and then I could make</p> <p>11 that decision, but he has the decision.</p> <p>12 The pay rates and stuff, I would say that</p> <p>13 that would be us based on the market research and</p> <p>14 everything that we're doing since we're dealing</p> <p>15 with the budgets and stuff.</p> <p>16 But the person individually--to answer your</p> <p>17 question--he would -- he kind of has the say since</p> <p>18 he's there locally, hands-on.</p> <p>19 Q. Does he have to run hiring decisions by you?</p> <p>20 A. As far as -- what do you mean? That's a loaded</p> <p>21 question.</p> <p>22 Q. Let's say he's interviewed someone; he thinks that</p> <p>23 they're great; he wants to hire them. Does he</p> <p>24 have to run that by you before he makes a job</p> <p>25 offer?</p>

<p style="text-align: right;">Page 34</p> <p>1 A. Oh, no. No. Yeah. That kind of thing we talk 2 about so it's not like -- I don't consider running 3 by me; it's just like, This is who I'm going to 4 hire. 5 Okay. 6 This is what we're going to hire him for. 7 And we may discuss with that individual his 8 pay rate or what other benefits he's looking for 9 and stuff like that. 10 Q. So you'd expect him to run that by you but that 11 just sort of happens naturally as well, about who 12 he's going to hire? 13 A. Yeah, I don't -- yeah. I respect John's decision 14 on that. Yeah. 15 Q. Do you typically hire employees that have mining 16 experience? 17 A. We would prefer to, yes. That's part of our 18 search criteria. There's just not very many 19 people in that area that have mining experience 20 that want to work, if you want to call it that. 21 Or apply to work. 22 Q. Have you ever hired an employee that had mining 23 experience prior to working for American Tripoli? 24 A. I do believe so. I'm not sure. I'd have to go 25 back and look at the records but I do believe so.</p>	<p style="text-align: right;">Page 36</p> <p>1 based off our training plan, which MSHA approves, 2 and any additional training for that is more of 3 safety rather than a mining environment because, 4 like I said, we don't -- it's not really a mine as 5 in coal mining; it's a manufacturing plant. 6 But I understand what the Mine Act states, 7 so -- so yes. 8 Q. Do you have any formal, like, new employee 9 orientation or new employee training? 10 A. Yes. Yes. 11 Q. And what is that? 12 A. Yeah. Even during the interview process, John 13 walks the -- John or Mr. Townsend, Joshua 14 Townsend, the safety environmental health 15 specialist, they will walk them through the mill 16 showing them the process and explaining how the 17 mill completely works. 18 And then, like myself, if -- I've been there 19 a couple times with new hires -- I'll even take 20 them to the quarry so they have an understanding 21 of where the material's coming from in its raw 22 state, coming to the drying sheds and going 23 through the whole entire process so that they 24 understand, you know, where it comes from out of 25 the ground into a bag. That's basically what we</p>
<p style="text-align: right;">Page 35</p> <p>1 Because it's part of our -- 2 Q. Do you -- 3 A. Say again? 4 Q. Can you think of anyone specifically? 5 A. Yeah, I can't think of anybody specifically. Not 6 off the top of my head, no. 7 Q. So would you say -- 8 A. Like I said, there's a lot -- 9 Q. Would you say most employees do not have mining 10 experience when they start working for American 11 Tripoli? 12 A. Unfortunately, yes. 13 Q. Given that lack of mining experience, do you do 14 anything to familiarize employees with mining when 15 they start? 16 A. Oh, yes. Yeah. So it's just like -- I don't 17 consider our mill plant a mine because of the 18 general terms of mining is we're mining something 19 out of the ground, okay, because we're bringing in 20 the material, then we're pulverizing it, 21 basically, and then we're manufacturing it. We're 22 putting it in bags. We don't really do anything 23 with the material or in a mining sense, such as 24 coal mining. 25 So the training that the individuals get is</p>	<p style="text-align: right;">Page 37</p> <p>1 do. 2 So, yes, they get a -- they get a 3 walk-through first, and then during their 4 training, they get all the MSHA-required training, 5 and then they get specialized training specific to 6 our plant for safety purposes. 7 Q. And how long has that sort of program been in 8 place? 9 A. How long has it been in place? Oh. Well, as far 10 as I know, the existence of MSHA, because it 11 was -- 12 Q. No, your specific -- your specific program that 13 you provide to new employees that you were just 14 describing. 15 A. Yeah. That was given to us and we just expanded 16 on it. When we acquired the business in 2021, 17 that was already established. 18 Q. So you just kept their kind of program for new 19 employees? 20 A. Yes. Yeah. What was the basis of it all, we just 21 critiqued it and made it better based on feedback 22 from the employees that were there. 23 Q. And whose job is it to communicate to employees 24 what their job duties are? 25 A. John Spears.</p>



<p style="text-align: right;">Page 38</p> <p>1 Q. And how is that done?</p> <p>2 A. How is that done? Well, I mean, he's doing the</p> <p>3 interviewing process so it's explained to them in</p> <p>4 that process, and then, like Mr. Baumann, since</p> <p>5 the mill associates -- since he was a shift lead,</p> <p>6 he would help show them their OJT on how to do</p> <p>7 their job and the safety aspects behind it, and</p> <p>8 the safety person would help them with their</p> <p>9 safety side and the forklift training side, the</p> <p>10 guarding side -- trying to think of all the other</p> <p>11 stuff that each individual person does, but that's</p> <p>12 how they get their training, the specialized</p> <p>13 individual training.</p> <p>14 Mr. Jim Hoover was our senior employee and he</p> <p>15 had been with American Tripoli before we bought</p> <p>16 the company. He was the most experienced person,</p> <p>17 even more than John, and he would be the person</p> <p>18 that any new hire would go to to ask about, you</p> <p>19 know, what is this and how does this work and Jim,</p> <p>20 or Mr. Hoover, would show them: This is how you</p> <p>21 slide a bag on; this is where you pick up a bag;</p> <p>22 this is where you get pallets from, stuff like</p> <p>23 that.</p> <p>24 Q. And is there any sort of document that shows an</p> <p>25 employee what all of their job duties are, like</p>	<p style="text-align: right;">Page 40</p> <p>1 at least?</p> <p>2 A. I know it's more than a year but I'm not sure.</p> <p>3 It's not two years.</p> <p>4 Q. And did you personally hire him?</p> <p>5 A. Yes. Shared -- that was shared with -- that</p> <p>6 decision was shared with Jordan, of course, just</p> <p>7 for clarity.</p> <p>8 Q. And why did you hire him for the job?</p> <p>9 A. I -- the experience that Mr. Spears has, he was a</p> <p>10 U.S. postal master, postmaster, and he also had</p> <p>11 experience in shop class dealing with the young --</p> <p>12 younger generation, and the experience that he had</p> <p>13 managing operations and budgeting and his</p> <p>14 background experience, stuff like that, was one of</p> <p>15 our major factors of hiring him.</p> <p>16 The operations manager that we had prior to</p> <p>17 Mr. Spears, Christine Schreiber, if I remember</p> <p>18 correctly her name, she was hired as a operations</p> <p>19 person because she had operations background but</p> <p>20 she didn't have manufacturing background, or, as</p> <p>21 she stated, managing a team of men. That's</p> <p>22 basically what she said.</p> <p>23 So one of the reasons that we hired John was</p> <p>24 learning from the mistakes with Christine to make</p> <p>25 sure that we covered what she lacked so that we</p>
<p style="text-align: right;">Page 39</p> <p>1 what they're expected to do in a day or a week or</p> <p>2 a month?</p> <p>3 A. Yes. They get the position description when</p> <p>4 they're hired and then that's available -- if I'm</p> <p>5 not mistaken, that's available in Teams as well so</p> <p>6 they can see it 24/7.</p> <p>7 Q. And how long has that been the case?</p> <p>8 A. Oh, yeah, since day one. Yeah. Since January of</p> <p>9 2021 -- or, excuse me --</p> <p>10 Q. Are the employs at -- go ahead.</p> <p>11 A. Sorry.</p> <p>12 Q. Are the employees at American Tripoli part of a</p> <p>13 union?</p> <p>14 A. No.</p> <p>15 Q. And when did John Spears start working for</p> <p>16 American Tripoli?</p> <p>17 A. Yeah, without looking at notes, I wouldn't -- I</p> <p>18 don't recall.</p> <p>19 Q. Has he been there since Omphalos has owned the</p> <p>20 company?</p> <p>21 A. Yes. Oh, what do you mean? Omphalos was</p> <p>22 established before we purchased American Tripoli.</p> <p>23 Q. Right. Did you hire John Spears?</p> <p>24 A. Yes. There was a operations manager before him.</p> <p>25 Q. And has he been there for a couple of years now,</p>	<p style="text-align: right;">Page 41</p> <p>1 could move forward, make the company more</p> <p>2 successful.</p> <p>3 So Mr. Spears is experienced in managing</p> <p>4 people, dealing with</p> <p>5 high-school-graduate-educated-level personnel, and</p> <p>6 his experience in senior management of a large</p> <p>7 corporation is the reason we hired John.</p> <p>8 Q. And does he have any mining experience?</p> <p>9 A. Did he have any mining experience? No, his was</p> <p>10 based off operations.</p> <p>11 Q. And did he have any manufacturing experience?</p> <p>12 A. I would have to look back at the resume. I don't</p> <p>13 remember that.</p> <p>14 Q. And what are John Spears' job duties?</p> <p>15 A. Without looking at the position description, I'd</p> <p>16 have to -- it's basically operations.</p> <p>17 Q. What do you expect him to do on a given day or</p> <p>18 week?</p> <p>19 A. So in a production environment, we have a</p> <p>20 production line and we have a production schedule.</p> <p>21 I expect John to manage the people there that</p> <p>22 fulfill all the duties of that production line,</p> <p>23 which includes safety, quarry operations,</p> <p>24 shipping, and the production line itself. Yeah.</p> <p>25 Q. So is he in charge of production, generally?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Yes. Yeah. The production schedule is driven off</p> <p>2 of sales, which is driven off of customer demand,</p> <p>3 and the -- it's what John uses as his guide for</p> <p>4 what's going on that day.</p> <p>5 Q. Is it his job to ensure production is, like,</p> <p>6 running smoothly and continuing to go forward</p> <p>7 according to that schedule?</p> <p>8 A. Well, with the assistance of the shift lead. The</p> <p>9 shift lead is really the one that actually makes</p> <p>10 sure that things are getting done in the mill.</p> <p>11 Because John's not really in the mill every day</p> <p>12 unless it's needed because we're short-handed.</p> <p>13 The shift lead is the one that makes sure the</p> <p>14 mill associates show up on time, you know, they go</p> <p>15 to their breaks, they -- you know, they come back</p> <p>16 from lunch. They make sure all the bags, pallets,</p> <p>17 slip sheets, all the stuff is there. The shift</p> <p>18 lead is it the one that is monitoring the</p> <p>19 production schedule. The shift lead is the one</p> <p>20 that's doing the quality control to make sure what</p> <p>21 gets loaded in the truck to be shipped is accurate</p> <p>22 and stuff like that.</p> <p>23 So he -- John is the backup for the shift</p> <p>24 lead. So if the shift lead, you know, needs to</p> <p>25 take vacation, John would step in his place and</p>	<p style="text-align: right;">Page 44</p> <p>1 somebody and the counseling. Mr. Hale now is</p> <p>2 required to do the written counseling, verbal</p> <p>3 counseling, stuff like that.</p> <p>4 Q. And then these job duties that --</p> <p>5 A. Sorry. I didn't mean to interrupt. I just wanted</p> <p>6 to add to that. We assist as they need help. So</p> <p>7 if there's a counseling statement that Mr. Hale</p> <p>8 needs, it gets communicated and we type up the</p> <p>9 document and then present it in Teams and then</p> <p>10 they issue it from there.</p> <p>11 Q. And these job duties that you've been describing</p> <p>12 for John Spears, have those always been his job</p> <p>13 duties? Have they changed during his employment?</p> <p>14 A. I don't think anything's changed. I'd have to</p> <p>15 look back at documents, of course.</p> <p>16 Q. Is John Spears the supervisor of any employees</p> <p>17 currently?</p> <p>18 A. Yes. Direct reports? Is that what you mean?</p> <p>19 Q. Who would those direct reports be?</p> <p>20 A. Max Drake, Joshua Townsend, Mr. Hale. Yeah.</p> <p>21 Q. So is he the supervisor over all the employees at</p> <p>22 American Tripoli?</p> <p>23 A. Yes. Yeah. He's the operations manager. Mm-hmm.</p> <p>24 Q. Does Don Hale supervise any employees directly?</p> <p>25 A. Yes, the mill associates.</p>
<p style="text-align: right;">Page 43</p> <p>1 run the operations for that shift lead. That's</p> <p>2 the dynamics between those two types of positions.</p> <p>3 Q. Who is the current shift lead?</p> <p>4 A. Current shift lead is Mr. Don Hale.</p> <p>5 Q. And I believe you had said he was like an</p> <p>6 assistant operations manager, or does he have two</p> <p>7 titles?</p> <p>8 A. That -- no. He is the assistant manager. We --</p> <p>9 learning from Mr. Baumann, termination and</p> <p>10 experience there, we needed to hire somebody that</p> <p>11 would be in a -- an assistant manager role so that</p> <p>12 the mill associates would have a manager over</p> <p>13 them.</p> <p>14 Q. So previously the shift lead was not in a</p> <p>15 management position.</p> <p>16 A. No, that is correct.</p> <p>17 Q. And did not supervise employees?</p> <p>18 A. No, he did not. He did not counsel; he did not,</p> <p>19 you know, do write-ups, you know, did any hiring</p> <p>20 or firing. That was all related to Mr. Spears,</p> <p>21 the operations manager.</p> <p>22 Q. So those were not part of the shift lead's role</p> <p>23 until now with Don Hale.</p> <p>24 A. No. The only thing that has been added to that is</p> <p>25 the feedback for hiring somebody or firing</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. And who are those?</p> <p>2 A. Oh, let's see here. I know -- I know -- I don't</p> <p>3 know their -- I think it's Lance. I'd have to</p> <p>4 look back in documents for the last name. Brian</p> <p>5 and Ron. I think that's it. I'd have to look</p> <p>6 back at the documentation.</p> <p>7 Q. So Don Hale supervises different employees than</p> <p>8 John Spears supervises.</p> <p>9 A. Yes. Yeah. So it goes mill associates, the shift</p> <p>10 lead or the assistant manager, and then John</p> <p>11 Spears. That's the chain.</p> <p>12 Q. Okay. Who was Rob Baumann's direct supervisor?</p> <p>13 A. John Spears, the operations manager.</p> <p>14 Q. And Baumann did not -- okay. And Baumann did not</p> <p>15 supervise any employees --</p> <p>16 A. No.</p> <p>17 Q. -- directly, correct?</p> <p>18 A. He did not do any type of counseling or anything</p> <p>19 like that.</p> <p>20 Q. And he didn't have any responsibilities to</p> <p>21 supervise employees, correct?</p> <p>22 A. He did not have -- he did -- he was not tasked, if</p> <p>23 that's what you're asking me. He did have</p> <p>24 responsibilities such as training people, making</p> <p>25 sure they're safe, making sure they show up,</p>

Page 46	Page 48
<p>1 reporting to John who's there, who's not there, 2 why they weren't there, stuff like that. 3 Q. But Baumann was not directly tasked with 4 supervising employees, correct? 5 A. Okay. So give me your definition of "supervising 6 employees." I guess that would be a better 7 question. 8 Q. While Rob Baumann was employed, did any -- was any 9 employee at American Tripoli -- was Rob Baumann 10 any employee's supervisor while he was employed? 11 A. As far as counseling and progression of growth and 12 pay, I'm not -- because there's so much that -- to 13 me, that's a wide open question because 14 Mr. Baumann was not, as far as pay and counseling 15 and mentoring -- well, even -- that's a great 16 example, even mentoring. 17 Mr. Baumann was tasked to mentor his -- the 18 people that worked with him to make sure things 19 were getting done. So is that a manager role? 20 Yes. Mr. Baumann did not have management 21 experience and this tasking or training was to 22 make him a better manager so eventually he could 23 progress and become a operations manager. That 24 was the whole intent of hiring Mr. Baumann. 25 Q. So would you agree that every employee at American</p>	<p>1 high school shop class teacher, but I'd have to 2 look back at his résumé to give you those details. 3 Q. And did John Spears have a role with regard to 4 compliance with MSHA regulations and maintenance 5 during Baumann's employment as well? 6 A. Yes, just like everybody there did. 7 Q. And where does John Spears spend most of his day? 8 Is he in an office? Is he walking around? Do you 9 know? 10 A. Yeah. Again, that depends on the amount of 11 personnel that we have that day, and that day -- 12 and its operations that are happening that day. 13 You know, Mr. Baumann -- or Mr. Spears may spend, 14 you know, most of his day in the admin building, 15 which is a separate building from the mill plant, 16 but if, for example, something breaks and if we 17 needed, let's just say, a new motor replaced and 18 we don't have a maintenance guy, Mr. Spears may be 19 the one that's replacing that motor. 20 Q. Does he have an office? 21 A. Yes, he does. 22 Q. And where is that located? 23 A. It's in the admin building. 24 Q. And is the admin building, is that connected to 25 the mill?</p>
Page 47	Page 49
<p>1 Tripoli has a supervisor? 2 A. Yes, a direct report supervisor. 3 Q. Was Rob Baumann a direct report supervisor for any 4 employee at American Tripoli? 5 A. No. No. 6 Q. Is one of John Spears' duties to ensure compliance 7 with MSHA regulations? 8 A. Yes. 9 Q. And does he have any duties with regard to 10 maintenance? 11 A. Yes. 12 Q. What would those be? 13 A. Being in the operations, we have to make sure that 14 it's running, and if he doesn't have a maintenance 15 person there, he takes on the tasks, you know, 16 making sure that we get maintenance done. 17 Q. Does he have any maintenance experience? 18 A. Yes. 19 Q. Prior to working at American Tripoli? 20 A. Yes. Yeah. He's also a -- 21 Q. And what is that? 22 A. He's also a farmer. 23 Q. So his prior farming experience is his prior 24 maintenance experience? 25 A. I'd have to look back at -- well, he's got the</p>	<p>1 A. No, it's probably a hundred feet, two hundred feet 2 from the mill. 3 Q. In a totally separate building? 4 A. Yes. It's separate, yeah. Detached and -- yeah. 5 Q. How much product does the mine produce in a 6 typical week, would you say? 7 A. Forecasted or capability or actual? I don't -- 8 because it's three different things. 9 Q. Actual. 10 A. That would -- without looking at the records, we'd 11 have to see. I don't have that information here. 12 Q. You can't -- you don't have any idea what the 13 general average production is for the mine? 14 A. No, because there is -- 15 Q. Is it -- 16 A. -- no average. It varies -- 17 Q. There's no average? 18 A. It really varies. Yeah. I can tell you 19 forecasted, if you'd like. 20 Q. Sure. What's the forecasted? 21 A. Okay. So we the machinery is capable of producing 22 up to 100,000 pounds per day, which is 50 tons, 23 and we forecast for 40,000 pounds per day. 24 Q. And when you say "per day," is that 24 hours or -- 25 A. No, that's an eight-hour shift. Yeah. And you</p>

<p style="text-align: right;">Page 50</p> <p>1 got to take into consideration, even in that</p> <p>2 eight-hour shift, we give them an hour in the</p> <p>3 morning for startup and hour in the evening for</p> <p>4 shutdown. So it's six hours of production. And</p> <p>5 we --</p> <p>6 Q. How many shifts run?</p> <p>7 A. One. And we schedule six hours of production per</p> <p>8 day. So six times six is 36,000, rounded up to</p> <p>9 40,000 is what we schedule for customers.</p> <p>10 Q. And is that given ideal conditions that could be</p> <p>11 done?</p> <p>12 A. Yes, that would be -- yeah. That would be what we</p> <p>13 are told from history with the experienced people</p> <p>14 there, experienced miners as it's called here,</p> <p>15 that 6,000 pounds an hour is pretty normal. With</p> <p>16 lack of experience that we had in 2022 with the</p> <p>17 high turnover employees, that is significantly</p> <p>18 less. And all these other MSHA issues.</p> <p>19 Q. Have you ever met the goal of 6,000 pounds per</p> <p>20 hour?</p> <p>21 A. Oh, yes. Yeah.</p> <p>22 Q. How often?</p> <p>23 A. Again, that fluctuates based on temperature, based</p> <p>24 on humidity, based on the team that's actually</p> <p>25 working there and the people that are there, too.</p>	<p style="text-align: right;">Page 52</p> <p>1 quarry operators or even the operations manager.</p> <p>2 So that's where we get our guidance from is the</p> <p>3 experience that they've had before us.</p> <p>4 Q. And who are those people?</p> <p>5 A. Randy Drake, and the other gentleman I have to</p> <p>6 look at the documents and so I got to see who we</p> <p>7 talk to, but Randy Drake is the main person that</p> <p>8 we usually call when we're having issues. He was</p> <p>9 a maintenance person; he was the mill manager at</p> <p>10 the time; he was -- he -- from what I understand,</p> <p>11 he retired from the place after being there for</p> <p>12 40-something years. So. . . .</p> <p>13 Q. So he never worked for the company while you've</p> <p>14 been involved in the company.</p> <p>15 A. No. No. He retired in 2018, if I remember</p> <p>16 correctly.</p> <p>17 Q. Is he the person that told you about the machine's</p> <p>18 capability?</p> <p>19 A. Yes. Yes.</p> <p>20 Q. And did you get any documents?</p> <p>21 A. No. They were terrible about any type of</p> <p>22 documentation. Any type of documentation that we</p> <p>23 have provided in Teams now is either documents we</p> <p>24 found or documents that we have generated based on</p> <p>25 the information that we receive.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Does that happen over 50 percent of the time --</p> <p>2 A. Oh, yeah.</p> <p>3 Q. -- that you reach that 6,000 goal?</p> <p>4 A. Yes. Yeah depends on product, because we offer 13</p> <p>5 different grades of product. So -- actually 26</p> <p>6 grades of product. So it just depends on the</p> <p>7 product that's running, the people that are there,</p> <p>8 air temperature, density, and the temperature of</p> <p>9 the material, which they --</p> <p>10 Q. Are those things --</p> <p>11 A. I'm sorry. Go ahead.</p> <p>12 Q. Are those things factored into the goals that you</p> <p>13 set?</p> <p>14 A. Yes.</p> <p>15 Q. So the goal wouldn't always be 36,000 per shift</p> <p>16 because the temperature might be different, the</p> <p>17 product might be different; is that correct?</p> <p>18 A. Yes. The biggest thing -- the biggest hurdle that</p> <p>19 we've had other than MSHA in 2023 is experience,</p> <p>20 because we have employees -- or retired employees</p> <p>21 from American Tripoli that assist us as we need</p> <p>22 it. We'd call them and they would tell us</p> <p>23 different things and that's where we're getting</p> <p>24 our guidelines from is based on those gentlemen</p> <p>25 that have been maintenance or mill operators or</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. So this 36,000 pounds per shift is just kind of</p> <p>2 word of mouth from former employees?</p> <p>3 A. No. Mr. Drake, Randy Drake, stated that the</p> <p>4 machines are -- or were capable of doing 100,000</p> <p>5 pounds per day, that that's what they used to do</p> <p>6 previously. So. . . .</p> <p>7 Q. And does he have any documents to prove that?</p> <p>8 A. I would assume that there are production schedules</p> <p>9 and stuff like that way back. His company was</p> <p>10 terrible about documenting processes and I don't</p> <p>11 have those, no.</p> <p>12 Q. And you never saw them?</p> <p>13 A. No. No.</p> <p>14 Q. So you're just basing that 100K off of what you</p> <p>15 were told from Mr. Drake?</p> <p>16 A. Yes. That's correct. And the last mill manager,</p> <p>17 Doug Kohler. These were a lot of his notes when</p> <p>18 we were -- freshly after acquiring the business,</p> <p>19 getting all the information, pulling it out of his</p> <p>20 head before he retired.</p> <p>21 Q. And then have you ever experienced these</p> <p>22 production levels, like, of 100K per day --</p> <p>23 A. Oh, no.</p> <p>24 Q. -- while you've been with the company?</p> <p>25 A. No.</p>

Page 54	Page 56
<p>1 Q. And what's the most you've ever seen produced with</p> <p>2 the --</p> <p>3 A. If I remember correctly, our largest amount per</p> <p>4 day is 62,000 pounds. So we know the machines are</p> <p>5 capable of doing it; it just has to do with</p> <p>6 people, timing, weather, humidity.</p> <p>7 Q. And was that on an eight-hour-shift day or was</p> <p>8 that a day you were running more than one shift?</p> <p>9 A. No, that was a -- if I remember right, it was just</p> <p>10 a normal six-hour -- eight-hour shift but six-hour</p> <p>11 production. Mm-hmm.</p> <p>12 Q. And so it sounds like there's a lot of factors</p> <p>13 kind of outside of your control--like the weather,</p> <p>14 the humidity--that can affect production even if</p> <p>15 everything else is going perfectly, correct?</p> <p>16 A. That is correct. Just like last week with the</p> <p>17 temperatures dropping below 35 degrees in air</p> <p>18 temperature, we had to shut down. We can't</p> <p>19 produce when the temperature drops below 35</p> <p>20 degrees.</p> <p>21 We also have to monitor the air humidity</p> <p>22 because on heavy humidity days we have to apply</p> <p>23 more heat to dry the material.</p> <p>24 So, yes, there are a lot of factors that we</p> <p>25 can't control that affect the production.</p>	<p>1 is, and we weren't getting anybody that was</p> <p>2 qualified at all. We actually went to an</p> <p>3 employment agency. They gave us the -- I can't</p> <p>4 remember his name. Joe was the last maintenance</p> <p>5 person that we had. And, yeah, maintenance has</p> <p>6 been the Achille's heel so far.</p> <p>7 Q. So you really need, like, a good qualified</p> <p>8 maintenance person --</p> <p>9 A. Oh, yes.</p> <p>10 Q. -- to get your production goals met, too?</p> <p>11 A. Yes. Yeah.</p> <p>12 Q. And have you ever had a really good maintenance</p> <p>13 person in the time you've owned -- since you've</p> <p>14 owned the company?</p> <p>15 A. No. No. It's something in the area, as far as we</p> <p>16 understand, because we're not --</p> <p>17 Q. If the mine is --</p> <p>18 A. Sorry.</p> <p>19 Q. Go ahead.</p> <p>20 If the mine's down for a day for maintenance</p> <p>21 or some other reason, how much money does that</p> <p>22 cost the mine, like, for a day of missed</p> <p>23 production?</p> <p>24 A. So, on average, if I'm not mistaken, I do believe</p> <p>25 that the daily -- or the monthly operations</p>
Page 55	Page 57
<p>1 Q. Is there, like, a heat that you can't -- like, you</p> <p>2 know, if it's a 100-degree day, does that affect</p> <p>3 it, or no?</p> <p>4 A. No. The heat days are actually -- spring, summer,</p> <p>5 early fall is really our best manufacturing days.</p> <p>6 Q. And when you say what you forecast, do you have</p> <p>7 any -- is that different from any sort of, like,</p> <p>8 goal that you have set for production? Do you</p> <p>9 have any sort of goals, or is that what you mean</p> <p>10 by forecasting?</p> <p>11 A. Right. So it is based on demand. We forecast</p> <p>12 40,000 pounds per day. That way -- that way we</p> <p>13 can give our customers a production schedule of</p> <p>14 when it's supposed to happen, but we do share with</p> <p>15 them that if something breaks, the production</p> <p>16 schedule gets pushed back and so does their order.</p> <p>17 Q. So production can be affected by, like,</p> <p>18 maintenance issues, too.</p> <p>19 A. Oh, yes. Yes. Which maintenance --</p> <p>20 Q. How often do those occur?</p> <p>21 A. Yeah, maintenance issues is our biggest problem,</p> <p>22 probably going where your question is, and getting</p> <p>23 experienced maintenance personnel is very</p> <p>24 difficult. We've had a maintenance position open</p> <p>25 for the last four and a half months, I think it</p>	<p>1 expenses are 140,000 -- thousand. I'd have to</p> <p>2 look back. Somewhere between 120-, and \$140,000.</p> <p>3 So any time -- if you basically divide that by 20,</p> <p>4 that'll tell you how much our operations daily</p> <p>5 cost because we have, you know, fuel, insurance,</p> <p>6 all the stuff that's normal in a manufacturing</p> <p>7 plant.</p> <p>8 Q. Do you -- is having enough raw material ever an</p> <p>9 issue in production?</p> <p>10 A. No. Mr. Drake -- Randy -- excuse me, Max Drake</p> <p>11 operates the heavy equipment out in the quarry and</p> <p>12 he worked for American Tripoli 20, 30 years before</p> <p>13 he came back and worked for us as a contractor.</p> <p>14 So he manages that whole department and need</p> <p>15 without any problems.</p> <p>16 Q. So raw material isn't the holdup ever on</p> <p>17 production issues?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Okay.</p> <p>20 A. Our holdup is always experience and maintenance.</p> <p>21 MS. O'REILLY: Okay. I'm going to share</p> <p>22 my screen with you to show you an exhibit</p> <p>23 that I've pre-marked as Exhibit 1.</p> <p>24 I'm going to do that right now. Let me</p> <p>25 pull that up.</p>



<p style="text-align: right;">Page 58</p> <p>1 (Exhibit No. 1 marked for identification.)</p> <p>2 Q. (By Ms. O'Reilly) And I'm going to let you have</p> <p>3 control over this so you can scroll through it if</p> <p>4 you want. Let me see if I can do that. So if you</p> <p>5 want to scroll through that, you can, but I've</p> <p>6 marked this document as Exhibit 1, and once you've</p> <p>7 had a chance to look through it, just let me know.</p> <p>8 A. Is this the response? Yeah. Okay.</p> <p>9 Q. Okay. So do you know what this document is?</p> <p>10 A. Yeah. It's the answer for productions of</p> <p>11 documents.</p> <p>12 Q. Okay. And who prepared this document?</p> <p>13 A. Myself.</p> <p>14 Q. And, starting on page 4, if you can go to page 4</p> <p>15 of the PDF, it's -- it lists, like, a date in one</p> <p>16 column and then pounds produced in another column.</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Do you see that?</p> <p>19 A. Mm-hmm. Yes, ma'am.</p> <p>20 Q. Did you compile this data?</p> <p>21 A. What do you mean by "compiled"?</p> <p>22 Q. Well, you put -- somebody put this data into this</p> <p>23 document, correct?</p> <p>24 A. Yeah. Okay. So these -- we have a daily</p> <p>25 production spreadsheet, and that -- that's where</p>	<p style="text-align: right;">Page 60</p> <p>1 was not IT-savvy so we really had to struggle with</p> <p>2 him to get the data in there. Even Mr. Hoover was</p> <p>3 not and is not computer-savvy. So it was probably</p> <p>4 a mistake, because it's probably 80 -- like on</p> <p>5 28 January, 80,000, we know that's not true. It's</p> <p>6 probably 8,000. I don't know where 800 -- 80,000</p> <p>7 came from.</p> <p>8 Q. Okay.</p> <p>9 A. And then on March 1st, it was probably 10,000 and</p> <p>10 then something broke, like during the production</p> <p>11 time something broke and they had to replace a</p> <p>12 motor or a bearing or something, and then after</p> <p>13 they got it fixed, they started a new line showing</p> <p>14 that they started more after that. Yeah.</p> <p>15 Q. So would that be, like, March 1st would that --</p> <p>16 A. 36,000 --</p> <p>17 Q. -- you're adding those numbers together?</p> <p>18 A. Yes, ma'am. Yeah.</p> <p>19 Q. Okay. And so would you agree that this document</p> <p>20 is a true and accurate copy of the document that</p> <p>21 you prepared containing these production records</p> <p>22 for January 1st of 2022 through January 1st of</p> <p>23 2023?</p> <p>24 A. Can you repeat that question?</p> <p>25 Q. Yeah. Would you agree that this is a true and</p>
<p style="text-align: right;">Page 59</p> <p>1 this information came from.</p> <p>2 Q. So you took information from the daily production</p> <p>3 spreadsheet and put it into this document.</p> <p>4 A. Yes. The --</p> <p>5 Q. Okay.</p> <p>6 A. -- shift lead is the one that puts the information</p> <p>7 in the spreadsheet.</p> <p>8 Q. Okay. But you took the information from the</p> <p>9 spreadsheet to this document to respond to the</p> <p>10 discovery, correct?</p> <p>11 A. Yes. Mm-hmm.</p> <p>12 Q. Okay. And what does "pounds produced" mean?</p> <p>13 A. That's how much they produced in that -- on that</p> <p>14 day. So, for example, in January 24th, 2022, they</p> <p>15 produced 16,500 pounds.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah.</p> <p>18 Q. And then on, like, January 27th, you see that</p> <p>19 there's two numbers? What would that mean?</p> <p>20 A. I don't know. I'd have to -- let's see here.</p> <p>21 Q. And again you can see that on March 1st.</p> <p>22 A. March 1st. It may have been where they stopped</p> <p>23 production. Well, first answer, 27 January,</p> <p>24 that's probably a typo. Again, depending on who</p> <p>25 was inputting the data -- for example, Mr. Baumann</p>	<p style="text-align: right;">Page 61</p> <p>1 accurate copy of the document you prepared</p> <p>2 containing --</p> <p>3 A. Oh.</p> <p>4 Q. -- the production records from January 1, 2022,</p> <p>5 through January 1, 2023?</p> <p>6 A. Yes, with --</p> <p>7 Q. Okay.</p> <p>8 A. -- obviously some mistakes noted in there, but,</p> <p>9 yes. Yeah, it's just the exact -- whatever they</p> <p>10 had. Yeah.</p> <p>11 MS. O'REILLY: Okay. I'm going to stop</p> <p>12 sharing this document.</p> <p>13 Okay. And I'm going to show you another</p> <p>14 document which I'm going to -- which I've marked</p> <p>15 as Exhibit 2.</p> <p>16 (Exhibit No. 2 marked for identification.)</p> <p>17 Q. (By Ms. O'Reilly) I'm going to give you control</p> <p>18 over this document, too, if you want to look at</p> <p>19 it.</p> <p>20 And do you -- do you know what that document</p> <p>21 is?</p> <p>22 A. Yeah. That's the production report. Looks like</p> <p>23 it.</p> <p>24 Q. Is this the date -- go ahead.</p> <p>25 A. Looks like it's the production report from</p>

<p style="text-align: right;">Page 62</p> <p>1 2022/11/1 through 2023/3/31.</p> <p>2 Q. And is this the daily production spreadsheet you</p> <p>3 were talking about when we were talking about</p> <p>4 Exhibit 1?</p> <p>5 A. Yeah, I would assume.</p> <p>6 Q. Okay. Is this -- what is this document used for?</p> <p>7 A. This is where the shift lead inputs the data for</p> <p>8 what is going on that day.</p> <p>9 Q. And is this maintained, like, on American</p> <p>10 Tripoli's computer system and the employees go</p> <p>11 into that and input the data in here?</p> <p>12 A. They can access it. If they've got Teams on their</p> <p>13 phone or -- you know, they can access it from</p> <p>14 anywhere. Yeah.</p> <p>15 Q. Okay.</p> <p>16 A. It's in Teams.</p> <p>17 Q. So they can input data in here via Teams?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. Yeah. There were numerous times where we had</p> <p>21 to -- I had to work with Mr. Baumann to get data</p> <p>22 input in this because he couldn't figure out how</p> <p>23 to do it while he was --</p> <p>24 Q. And did he have -- go ahead.</p> <p>25 A. Sorry.</p>	<p style="text-align: right;">Page 64</p> <p>1 their production schedule, they're instructed to</p> <p>2 fill this out so that, you know, the operations</p> <p>3 side will know what's going on, and then how they</p> <p>4 can explain to the customers why their order got</p> <p>5 delayed, and then I assume that is Column T on the</p> <p>6 far right. Those are for any notes that are</p> <p>7 added.</p> <p>8 So during the normal production, if something</p> <p>9 was to break, just like we talked about earlier,</p> <p>10 they would add a second line. So if they ran from</p> <p>11 9:00 a.m. to noon and then something broke at</p> <p>12 noon, they shut down for an hour, two</p> <p>13 hours--60 minutes is always the guideline that</p> <p>14 they have--they would start a new line on the same</p> <p>15 day and then continue on.</p> <p>16 As you can see here on 11/3, they went</p> <p>17 through -- "from stock" means that they were</p> <p>18 putting it into inventory, the 100-pound bags,</p> <p>19 then they started working on SO-268 from that</p> <p>20 time. Yeah.</p> <p>21 Let's see here. Since it's the same,</p> <p>22 without -- oh. Okay. Back in those -- back in</p> <p>23 11/3 of 2022 there was actually two shifts. We</p> <p>24 tried to do that as well. That didn't work out.</p> <p>25 So the first shift did the first three lines and</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Did he have a computer to input data on?</p> <p>2 A. Yes. Mm-hmm. Yeah, there's a computer in the</p> <p>3 control room.</p> <p>4 Q. And what is the expectation for filling in this</p> <p>5 data? Is this, like, something that's filled in</p> <p>6 daily --</p> <p>7 A. Yes.</p> <p>8 Q. -- during the same day that it occurred?</p> <p>9 A. Yes. Part of the normal procedures is they start</p> <p>10 their production; date; orders that they're</p> <p>11 working on based off the production calendar;</p> <p>12 logically, if they've finished the production or</p> <p>13 not; start time; end time; customer name based off</p> <p>14 the production schedule; material that they're</p> <p>15 producing; bags -- size that they're using off the</p> <p>16 production schedule; the number of bags that were</p> <p>17 made; the number of pounds that were made per that</p> <p>18 one order; and if there were any number of bags</p> <p>19 ripped; the pallet type, since we do export, they</p> <p>20 have different types; any types of pallets that</p> <p>21 were broken or trashed to keep accountability; the</p> <p>22 slip sheet that was used; and then the number of</p> <p>23 slip sheets.</p> <p>24 And then Column S is the major down time</p> <p>25 events. So if there's anything that breaks during</p>	<p style="text-align: right;">Page 65</p> <p>1 the second shift did the bottom two lines.</p> <p>2 Q. Okay. So there was a time period when you were</p> <p>3 doing two shifts.</p> <p>4 A. Yeah, we tried that. Yeah. Couldn't get people</p> <p>5 to work.</p> <p>6 Q. And what were those shift times?</p> <p>7 A. If I remember correctly, it was 8:00 to 4:30 and</p> <p>8 then 4:00 to midnight or -- I think it was --</p> <p>9 whatever that next shift was.</p> <p>10 Q. Okay.</p> <p>11 A. Yeah.</p> <p>12 Q. Okay.</p> <p>13 A. It was two eight-hour shifts.</p> <p>14 Q. Okay. And did you pull this document from</p> <p>15 American Tripoli, what -- I guess it would have</p> <p>16 come from the Teams database? Is that where that</p> <p>17 came from?</p> <p>18 A. Yes. Yes.</p> <p>19 Q. Okay. And would you agree, is this a true and</p> <p>20 accurate copy of the production report for</p> <p>21 November 1 of 2022 through March 31 of 2023?</p> <p>22 A. Yeah. That's what they put in there, yes.</p> <p>23 Q. Okay. Do you have any sort of regularly scheduled</p> <p>24 meetings or phone calls with any of the employees</p> <p>25 at American Tripoli?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. Mr. Spears, we have a end-of-week closeout 2 meeting. That's every Friday. I think it 3 actually used to be Monday but it's every Friday 4 now. 5 Q. And what does that entail? 6 A. It's a closeout of the week. Basically the 7 production schedule -- I don't have my notes here. 8 I normally have that documented down. Basically 9 just what's happening during the week; is there 10 any issues that we need to be -- you know, 11 address, brought forward, discussed; any, you 12 know -- yeah. That's really it, just operations. 13 Q. And who attends that meeting? 14 A. Jordan, John and myself, and sometimes the 15 bookkeeper, just depends on what's being 16 discussed. 17 Q. And how long have you been having those meetings? 18 A. I would assume that right after we acquired the 19 business, so -- that's been once a week. 20 Q. Has anyone else ever been involved in those 21 meetings? 22 A. As far as the operations meeting, the weekly 23 operations meeting? Is that what you mean? 24 Q. This closeout meeting that you're talking about. 25 A. No. No. It's just the operations manager and us.</p>	<p style="text-align: right;">Page 68</p> <p>1 Microsoft. 2 Q. But they can't continue to -- they can't continue 3 to, like, participate in the mill group chat. 4 A. No, no, no. No. 5 Q. Like you remove them from that. 6 A. Right. 7 Q. Okay. So it's safe to say that the Teams messages 8 that we've received are all messages by and among 9 employees, contractors or owners of American 10 Tripoli about American Tripoli and the work 11 they're doing there. 12 A. Yes. Yes. 13 Q. Okay. 14 A. Now, we do have a chat group that's public -- not 15 public. It's -- I think we call it -- I don't 16 even know what they call it. No one really uses 17 it, but certain people have over time. It's just 18 a open chat that's not business related. They can 19 really talk about anything. I think Mr. Spears 20 talks about barbecuing and fishing and just 21 generic stuff that's not business related, but 22 it's still controlled by -- 23 Q. And what's -- 24 A. I'm sorry. 25 Q. And what's that chat called?</p>
<p style="text-align: right;">Page 67</p> <p>1 Like I said, occasionally, depending on what's 2 needed, the bookkeeper might be. That's about it. 3 Q. Oh, right. Yeah. Are there any other sort of 4 regularly scheduled calls or meetings with the 5 employees at American Tripoli? 6 A. Not scheduled calls, no. 7 Q. In this case, you've produced various Teams chats. 8 And would those all be Teams chats among American 9 Tripoli employees and then, you know, Jordan and 10 yourself as owners? 11 A. Yes. 12 Q. No one but employees would have access to that? 13 A. The contractors would. 14 Q. Okay. So people who work for American Tripoli, 15 either as a contractor or employee or an owner, I 16 guess -- 17 A. Yes. 18 Q. -- have access to those? 19 A. Yes. 20 Q. And if somebody's no longer an employee, they 21 wouldn't still have access to those Teams chats? 22 A. As far as I understand, the Teams that they have 23 when they -- their license gets terminated or 24 whatever, they have access to those Teams chats, 25 as far as I know. That's what I was told by</p>	<p style="text-align: right;">Page 69</p> <p>1 A. I'd have to look at it, to be honest with you. We 2 don't use it so it's -- you know, it's for them to 3 chat in there, you know. 4 Q. Okay. So it's an employee chat that you don't 5 participate in. 6 A. Yeah. I mean, it's -- I see it but I -- it's not, 7 you know -- if there's something that comes across 8 like, oh, for MSHA -- MSHA -- what do they call 9 those newsletters? Fatal reports, or whatever. 10 If we get those, we'll share that. Hey, guys, be 11 safe, whatever, this happened, just so they know. 12 Q. Okay. 13 A. Just -- that's the type of thing. 14 Q. Okay. But you're not sure what the name of that 15 chat is? 16 A. Say that one more time. 17 Q. But you're not sure what the name of that chat is, 18 that group? 19 A. No. I'd have to look at it again. 20 MS. O'REILLY: Okay. We've been going 21 for about an hour and a half so I'm going to 22 say let's take, like, a 15-minute break. Is 23 that okay with everybody? And then we can 24 get back on in about 15 minutes? So 10:40 25 Central time? I don't know if you're in</p>



Page 70	Page 72
<p>1 Eastern time. So 11:40 Eastern? Is that</p> <p>2 okay?</p> <p>3 THE WITNESS: Yeah.</p> <p>4 MS. O'REILLY: We'll go off the record</p> <p>5 and we'll come back in 15 minutes, then.</p> <p>6 THE WITNESS: Okay. Thank you.</p> <p>7 MS. O'REILLY: Thank you.</p> <p>8 MS. SMITH: And then I would suggest</p> <p>9 don't leave the Zoom. You can just mute and</p> <p>10 stop sharing your video. That will just keep</p> <p>11 the -- it'll be easier to reconnect, I think.</p> <p>12 THE WITNESS: Okay.</p> <p>13 (A recess was taken from 10:24 a.m. until</p> <p>14 10:40 a.m.)</p> <p>15 MS. O'REILLY: I'm going to pull up</p> <p>16 another exhibit that I've marked as Exhibit</p> <p>17 Number 3.</p> <p>18 (Exhibit No. 3 marked for identification.)</p> <p>19 BY MS. O'REILLY:</p> <p>20 Q. I'm going to let you have control over this</p> <p>21 document, too, if you want to take a look at it.</p> <p>22 A. Okay.</p> <p>23 Q. Okay. Do you know what this document is?</p> <p>24 A. Looks like you'd requested 30 November '20 email</p> <p>25 request, or should I say search for all terms for</p>	<p>1 A. Okay.</p> <p>2 Q. You agree with that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And how did you create this document?</p> <p>5 A. Searching for the words "Baumann" or "Rob" in</p> <p>6 Teams, setting the parameters June 1st, 2022,</p> <p>7 through April 30th, and then if there was anything</p> <p>8 that came up like it shows here, I highlighted,</p> <p>9 copied/paste, copied/paste, all 467 pages, Laura.</p> <p>10 Yeah. It's crazy.</p> <p>11 Q. So you copied and paste that from Microsoft Teams?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. So all of these things that show up as</p> <p>14 these kind of chat boxes, those came directly from</p> <p>15 Microsoft Teams?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And it looks like this first part is a</p> <p>18 request for Teams chat with the words "Baumann" or</p> <p>19 "Rob" from June 1st, 2022, through April 30, 2023.</p> <p>20 Would you agree that you conducted that search and</p> <p>21 provided all such documents in response to that?</p> <p>22 A. Well, what do you mean by "all documents"?</p> <p>23 Q. Yeah. That's the wrong word. Would you agree</p> <p>24 that you provided all the Teams chats that hit</p> <p>25 with the words "Baumann" or "Rob" from June 1 --</p>
Page 71	Page 73
<p>1 Baumann or Rob from June 1. Yeah, just what it</p> <p>2 states.</p> <p>3 Q. Okay. Have you seen this document before?</p> <p>4 A. I don't remember it but I'm sure I have.</p> <p>5 Q. Would you have provided this document, created it?</p> <p>6 A. If you requested it, yes, I would have. I'll go</p> <p>7 ahead and say that. But I don't remember it, is</p> <p>8 what I'm saying.</p> <p>9 Q. And if you see, it's more than just this page. If</p> <p>10 you want to scroll it, feel free. It's like 467</p> <p>11 pages, I believe --</p> <p>12 A. Oh.</p> <p>13 Q. -- of different chats.</p> <p>14 A. Okay. Okay. Yeah.</p> <p>15 Q. So do you recall this document?</p> <p>16 A. I remember sending you a large document but I</p> <p>17 don't remember the document itself. Yes.</p> <p>18 Q. Okay. Does this appear to be that document?</p> <p>19 A. This one page could be part of that document, yes.</p> <p>20 Q. Okay. Well, feel free to scroll through them all</p> <p>21 because I'd like an answer to that question.</p> <p>22 A. Yeah. Like I said, I -- if it's a document that</p> <p>23 came from me, then, yes, I'm the one that put it</p> <p>24 together and sent it to you, yes.</p> <p>25 Q. As part of discovery in this case?</p>	<p>1 A. Yeah.</p> <p>2 Q. -- 2022 through April 30th, 2023?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And then I believe, if we scroll down, you</p> <p>5 know, there were several messages with those hits,</p> <p>6 and then there was a separate request in here for</p> <p>7 Teams chats with specific topics from specific</p> <p>8 days.</p> <p>9 A. Mm-hmm.</p> <p>10 Q. Do you see that on page 435 here?</p> <p>11 A. Yes.</p> <p>12 Q. And then I'll just go, like, 436, there's a</p> <p>13 separate one. Do you recall kind of this process</p> <p>14 and doing this?</p> <p>15 A. Yeah. I remember searching for what you asked</p> <p>16 for, yes.</p> <p>17 Q. Okay. And so is it fair to say that anything --</p> <p>18 any Teams chat that had a hit with any of these</p> <p>19 words, for example, on page 436 from July 27,</p> <p>20 2022, you put in here, and it looks like that --</p> <p>21 in this instance there were none, correct?</p> <p>22 A. Yes, and this one right here, as the results</p> <p>23 showed, we couldn't find any results for the key</p> <p>24 words that you were looking for.</p> <p>25 Q. Okay. And you did -- and you personally did these</p>

<p style="text-align: right;">Page 74</p> <p>1 searches, correct?</p> <p>2 A. I did.</p> <p>3 Q. Okay. And could there be other Teams messages</p> <p>4 between and among American Tripoli employees that</p> <p>5 would have had these words on this date, or are</p> <p>6 you able -- or were you able to search through all</p> <p>7 the Teams messages, I guess?</p> <p>8 A. Again, Teams that I belong to, they should show up</p> <p>9 here, yes.</p> <p>10 Q. And would it also show any, like, direct messages</p> <p>11 you have? Like, I know there's Teams Groups, but,</p> <p>12 like, if one employee just messaged you outside of</p> <p>13 a group, would that have been captured in the</p> <p>14 search?</p> <p>15 A. As far as I understand in the search, yes.</p> <p>16 Because it picks up the key words that you put in</p> <p>17 the search box.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah.</p> <p>20 Q. And so you were part -- if you were a part of a</p> <p>21 message or a group and it had these words, it</p> <p>22 would have shown up.</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p> <p>25 A. Goes back to that question that you had asked</p>	<p style="text-align: right;">Page 76</p> <p>1 copy of those Teams chats that you pulled and</p> <p>2 created to respond to these discovery requests?</p> <p>3 A. Can you put that in non-lawyer terms? Does</p> <p>4 this --</p> <p>5 Q. Is this an accurate copy of the -- of the Teams</p> <p>6 chats that you pulled --</p> <p>7 A. Yes.</p> <p>8 Q. -- and the document you created to respond to</p> <p>9 these discovery questions?</p> <p>10 A. Yes. Yeah.</p> <p>11 Q. Okay. And I think we've already kind of discussed</p> <p>12 this, but using Teams was a regular part of the</p> <p>13 business at American Tripoli, correct?</p> <p>14 A. Is it a regular part of business? Yes. Can't</p> <p>15 force them to use it but we try training them to</p> <p>16 use it.</p> <p>17 Q. And you use Teams to kind of keep in regular and</p> <p>18 frequent kind of communication with employees; is</p> <p>19 that correct?</p> <p>20 A. It's more for internal communications amongst</p> <p>21 themselves to collaborate and communicate so that</p> <p>22 part of their progression path, like we talked</p> <p>23 about, they can communicate with the quarry, or if</p> <p>24 somebody's going to do a parts run, they can</p> <p>25 always be communicating without having a separate</p>
<p style="text-align: right;">Page 75</p> <p>1 about giving you access to -- or somebody else's</p> <p>2 Team chat or whatever, Microsoft support states</p> <p>3 that we can't do that. I don't I don't have</p> <p>4 access to those. So I couldn't --</p> <p>5 Q. So if --</p> <p>6 A. I couldn't go in --</p> <p>7 Q. If there was a message --</p> <p>8 A. -- chat, yeah.</p> <p>9 Q. So if there was a message between, like, Rob and</p> <p>10 another employee, just those two, you wouldn't</p> <p>11 have access to that.</p> <p>12 A. I would not.</p> <p>13 Q. Okay. You would have to have been involved.</p> <p>14 A. Yeah. According to Microsoft, I would not have</p> <p>15 access.</p> <p>16 Q. And that's your understanding from the searches</p> <p>17 you did, too, correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay.</p> <p>20 A. Because I tried to do what you asked and I had to</p> <p>21 get Microsoft support to help with that and they</p> <p>22 said I can't do that. And that was the message</p> <p>23 I -- back to you.</p> <p>24 Q. Okay. And is this document here in Exhibit 3, you</p> <p>25 know, all the pages as well, a true and accurate</p>	<p style="text-align: right;">Page 77</p> <p>1 tool, is the purpose. Yes.</p> <p>2 Q. And these messages are usually sent kind of in</p> <p>3 real time. If somebody has a problem, they're</p> <p>4 going to send a message, you know, about that as</p> <p>5 that kind of is going on; is that true?</p> <p>6 A. That's not necessarily a hundred percent accurate</p> <p>7 because there are times where Microsoft Teams is</p> <p>8 down, you know, and it may -- may be minutes, it</p> <p>9 may be hours. That has happened, yes. So it's</p> <p>10 not instant always.</p> <p>11 Q. Okay. But other than, like --</p> <p>12 A. Yeah, I wouldn't use it as an emergency tool --</p> <p>13 Q. Right.</p> <p>14 A. -- and that is part of our thing. If there's an</p> <p>15 emergency, don't rely on Teams. Call that person.</p> <p>16 Q. Right.</p> <p>17 A. That's -- we have to share knowledge, yes.</p> <p>18 Q. And you keep track of these messages. It's like a</p> <p>19 regular practice to keep -- just keep these</p> <p>20 records. These records are maintained on the --</p> <p>21 whatever, Microsoft Teams database?</p> <p>22 A. I don't -- no, we don't keep track of them.</p> <p>23 Q. They're maintained. Like, you were able to search</p> <p>24 back to August of 2022. You keep those records.</p> <p>25 A. I don't know what the -- not the -- whatever --</p>

Page 78	Page 80
<p>1 retention. I don't know what the retention date</p> <p>2 is, or recycle or whatever.</p> <p>3 Q. Okay.</p> <p>4 A. It might be a year. I don't -- I don't know.</p> <p>5 Q. Okay. I'm going to -- I just have a couple</p> <p>6 questions about some of these groups so I'm going</p> <p>7 to go to page 15 of this Exhibit 3. If you see</p> <p>8 here at the top, it says AT MO dash mill</p> <p>9 management. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Who was in that group? It says you -- and then</p> <p>12 "you" would be you, Russell Tidaback, correct?</p> <p>13 A. Yeah. Yep, because I did the search. Don, John.</p> <p>14 Let's see here. Currently it would probably be,</p> <p>15 let's see, Don, John, mill management, Jordan.</p> <p>16 Oh, and Josh Townsend. That's who that shows.</p> <p>17 Q. And it looks like it says 3/30 but it doesn't have</p> <p>18 a year. Would that be 3/30/23 because you did the</p> <p>19 search in 2023?</p> <p>20 A. Yeah, I'd have to go back look at the search</p> <p>21 criteria. Can -- do you want me to scroll up?</p> <p>22 Q. Yeah. It's page 1.</p> <p>23 A. Yeah. So that would be the dates that these</p> <p>24 search criteria was, yes.</p> <p>25 Q. Got it. Okay. That makes sense. So when it</p>	<p>1 Q. Okay.</p> <p>2 A. Josh Townsend, being the safety person, he would</p> <p>3 be in there.</p> <p>4 Q. And would John be in that one, too?</p> <p>5 A. Yes.</p> <p>6 Q. And it looks like Baumann was in that one when he</p> <p>7 was --</p> <p>8 A. Yes.</p> <p>9 Q. -- employed because I see a message from him?</p> <p>10 Okay. Okay.</p> <p>11 And let me see. Who's Brian? I see a Brian</p> <p>12 in here.</p> <p>13 A. Brian is one of our mill associates.</p> <p>14 Q. Okay. And he's still an employee?</p> <p>15 A. Yes. Yeah.</p> <p>16 Q. Okay.</p> <p>17 A. As far as I know.</p> <p>18 Q. I'm going to go to page 17 and just ask about</p> <p>19 another group. I see an AT MO maintenance group.</p> <p>20 Do you know who is in that? It says you, Don,</p> <p>21 Joe, plus three. So you again is you, Russell</p> <p>22 Tidaback. Don I imagine is Don Hale?</p> <p>23 A. Joe is the maintenance guy, the contractor we had</p> <p>24 from the employment agency. I don't -- I haven't</p> <p>25 looked at the name. And then most likely John,</p>
Page 79	Page 81
<p>1 doesn't have the year here, like 4/9 it would be</p> <p>2 4/9/23 because that was the only April included in</p> <p>3 that --</p> <p>4 A. Yes.</p> <p>5 Q. -- criteria.</p> <p>6 Got it. Okay.</p> <p>7 I guess here on page 5, there's another chat</p> <p>8 that says "mill group chat."</p> <p>9 A. Yes.</p> <p>10 Q. Who would --</p> <p>11 A. That would be -- that would be everybody in the</p> <p>12 mill. So that would be --</p> <p>13 Q. Okay.</p> <p>14 A. Actually that would be everybody that's -- that</p> <p>15 wouldn't be Max because he's out in the quarry.</p> <p>16 That wouldn't be the -- you know, the bookkeeper.</p> <p>17 That's just strictly for the mill operations.</p> <p>18 Q. Okay. So that would be, like, the mill</p> <p>19 associates, and then you would be in it, and would</p> <p>20 Jordan also be in that one?</p> <p>21 A. Yes. Well, there are certain groups that she</p> <p>22 doesn't belong to.</p> <p>23 Q. Okay.</p> <p>24 A. She volunteers, backs out, whatever, and then</p> <p>25 Josh --</p>	<p>1 Don -- or Joshua and Jordan.</p> <p>2 Q. Okay. And at this time it looks like maybe</p> <p>3 Baumann and Jessie Molesi were in that?</p> <p>4 A. Yes, Jessie Molesi was our safety and health</p> <p>5 person at one time, and then Rob being the shift</p> <p>6 lead.</p> <p>7 Q. So he would have been in the maintenance group,</p> <p>8 then, too --</p> <p>9 A. Yes.</p> <p>10 Q. -- at this time?</p> <p>11 A. Yeah. Because he would have communicated with the</p> <p>12 maintenance team about, hey, this is not working</p> <p>13 right, we need to come look at this, or this needs</p> <p>14 to be replaced, or whatever.</p> <p>15 Q. So Baumann didn't do the actual maintenance work,</p> <p>16 but if he noticed an issue, he was supposed to</p> <p>17 communicate that to maintenance people?</p> <p>18 A. Yes, because maintenance is on another floor.</p> <p>19 They're on the first floor. Baumann or the</p> <p>20 production floor is on the second floor.</p> <p>21 Q. Okay. And a Jessie Molesi, was he considered to</p> <p>22 be in management --</p> <p>23 A. No.</p> <p>24 Q. -- at the company when he was employed?</p> <p>25 A. He's safety, environmental health. He is what</p>

<p style="text-align: right;">Page 82</p> <p>1 Joshua Townsend is today.</p> <p>2 Q. And what were Jessie's job duties?</p> <p>3 A. Safety.</p> <p>4 Q. Okay.</p> <p>5 A. Yeah, everything related to safety and MSHA, EPA,</p> <p>6 Department of Natural Resources.</p> <p>7 Q. Okay. And does he have any prior experience with</p> <p>8 MSHA compliance?</p> <p>9 A. I don't think MSHA. He was OSHA certified.</p> <p>10 Q. Okay. And did he have a role with regard to</p> <p>11 maintenance?</p> <p>12 A. As far as doing the maintenance? No, he was not</p> <p>13 mechanically inclined. He's safety.</p> <p>14 Q. Okay. Why was he in the maintenance group?</p> <p>15 A. To make sure that they were doing things safely.</p> <p>16 So if they were tasked to change a motor or</p> <p>17 anything like that, he would know where they were</p> <p>18 going and go check on them.</p> <p>19 Q. Okay. I'm going to go to page 65, and in here I</p> <p>20 see a AT MO operations group. Do you know who</p> <p>21 that would be?</p> <p>22 A. That would be John, myself, Jordan, Don. Lynn was</p> <p>23 a salesperson at the time. Yeah. It's just the</p> <p>24 people that would be dealing with the overall</p> <p>25 operations of everything.</p>	<p style="text-align: right;">Page 84</p> <p>1 and then two others. Do you know who the two</p> <p>2 others would be?</p> <p>3 A. I assume it would be Andrew Wasson, which was the</p> <p>4 quarry operator at the time.</p> <p>5 Q. Okay.</p> <p>6 A. And I think Rob Baumann. I don't know. Or, no,</p> <p>7 it would be -- no, I don't know. Let's see here.</p> <p>8 Me, Gwen, John, Jordan, and Andrew I guess. Yes.</p> <p>9 That would be the people that are showing there,</p> <p>10 plus two.</p> <p>11 Q. Okay. Well, and I guess maybe since Andrew</p> <p>12 Wasson's saying Rob Baumann, should I bring</p> <p>13 another load? Was maybe Rob in that group maybe?</p> <p>14 A. Yeah. That's what I said --</p> <p>15 Q. Okay.</p> <p>16 A. -- yeah, Andrew Wasson was part of the last two</p> <p>17 there.</p> <p>18 Q. Okay.</p> <p>19 A. And it shows that Rob was communicating with</p> <p>20 Andrew to bring another load of material from the</p> <p>21 drying sheds.</p> <p>22 Q. Okay.</p> <p>23 A. That's what that is.</p> <p>24 Q. Then I'm going to go to page 179 and there's a AT</p> <p>25 MO safety. It looks like you, Don, John, Jessie,</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Would Baumann have been a part of that group when</p> <p>2 he was employed?</p> <p>3 A. I don't know. That would be a good question</p> <p>4 because as we're -- as we're growing and making</p> <p>5 operations smoother, people would get added to</p> <p>6 different groups and stuff like that. So he may</p> <p>7 have been added but not at that time.</p> <p>8 Q. Actually, I think -- if we look down, it looks</p> <p>9 like he might have been. If you go down here, do</p> <p>10 you see this?</p> <p>11 A. Yeah.</p> <p>12 Q. So that would mean that he was in that group?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 A. And that --</p> <p>16 Q. And then I see -- oh. Go ahead.</p> <p>17 A. I think he actually asked me to take him out of</p> <p>18 that group because he didn't want to know all the</p> <p>19 operations stuff, just the basic stuff. So that's</p> <p>20 fine.</p> <p>21 Q. Okay. And then I see quarry operations here --</p> <p>22 A. Yeah.</p> <p>23 Q. -- on page 65. What's that?</p> <p>24 A. That's that pit that's in Oklahoma.</p> <p>25 Q. Okay. And it looks like it says you, Gwen, John,</p>	<p style="text-align: right;">Page 85</p> <p>1 and then do you know who the other person -- one</p> <p>2 other person would have been?</p> <p>3 A. So Jordan. Most likely Jordan.</p> <p>4 Q. Okay. And would Rob have been in that group?</p> <p>5 A. I don't think so. I don't think so.</p> <p>6 Q. Okay.</p> <p>7 A. Again, it was one of those things that -- Rob did</p> <p>8 ask to be removed from a lot of groups and we had</p> <p>9 to explain, You really want to know what's going</p> <p>10 on in all this so that you know part of that</p> <p>11 mentoring and leadering so you can become a good</p> <p>12 leader. So some of this stuff -- some of these</p> <p>13 groups I know he belonged into and then was</p> <p>14 removed and then we need to add him back. So it</p> <p>15 was back and forth. So. . . .</p> <p>16 Q. Okay.</p> <p>17 A. Some of these will be tagged differently. That's</p> <p>18 why they show different.</p> <p>19 Q. Okay. I'm going to stop sharing this document and</p> <p>20 I'm going to pull up another document which I'm</p> <p>21 going to label -- which has been labeled as</p> <p>22 Exhibit 4.</p> <p>23 (Exhibit No. 4 marked for identification.)</p> <p>24 Q. (By Ms. O'Reilly) Let me share this. I'll give</p> <p>25 you control to move through this document if you</p>

<p style="text-align: right;">Page 86</p> <p>1 want to.</p> <p>2 And this document, do you know what this</p> <p>3 document is?</p> <p>4 A. Not off the top of my head, no.</p> <p>5 Q. Okay.</p> <p>6 A. Looks like --</p> <p>7 Q. Looks like --</p> <p>8 A. Yeah. It looks like a chat response to a request.</p> <p>9 It's just different formatting.</p> <p>10 Q. Okay.</p> <p>11 A. I don't have access --</p> <p>12 Q. So looks like --</p> <p>13 A. I can't control.</p> <p>14 Q. Oh, you can't? Here. Let me let go of my mouse.</p> <p>15 Can you scroll now?</p> <p>16 A. No.</p> <p>17 Q. Hmm.</p> <p>18 A. Oh. Maybe I had to click on it.</p> <p>19 Q. Oh, there you go. Yeah. Just go ahead and scroll</p> <p>20 through that.</p> <p>21 A. Yeah, I think it's the same chat search that you</p> <p>22 were looking for, it's just a different</p> <p>23 formatting.</p> <p>24 Q. Okay. So do you recall -- would you have been the</p> <p>25 person that put this document together?</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Anybody can create a chat group, just like an</p> <p>2 individual. So. . . .</p> <p>3 Q. Okay.</p> <p>4 A. But the original ones, yes, I was the one that</p> <p>5 created it.</p> <p>6 Q. Okay.</p> <p>7 A. I had to get the --</p> <p>8 MS. O'REILLY: Okay. I'm going to stop</p> <p>9 sharing this document.</p> <p>10 I am going to pull up another document marked</p> <p>11 as Exhibit 5.</p> <p>12 (Exhibit No. 5 marked for identification.)</p> <p>13 BY MS. O'REILLY:</p> <p>14 Q. I'm going to share this one and I can give you</p> <p>15 control over it as well, if you want to scroll</p> <p>16 through it. I don't think there's anything to</p> <p>17 scroll, actually, in this one.</p> <p>18 A. Okay.</p> <p>19 Q. And then this one is kind of in a different</p> <p>20 format. It was a -- like a JPEG. It's not a PDF</p> <p>21 but it looks like it's some more Teams messages;</p> <p>22 is that correct?</p> <p>23 A. Yes. Looks like Teams messages, yeah.</p> <p>24 Q. Okay. And do you know why this one is in, like, a</p> <p>25 JPEG format versus Teams? Is it just the way that</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And this is just kind of the same process?</p> <p>3 You would have been looking for messages and then</p> <p>4 kind of pulled them into this document; is that</p> <p>5 correct?</p> <p>6 A. If I remember correctly, it was the -- I just did</p> <p>7 the Control A, shift, print, and that was it. I</p> <p>8 think I was under a time line.</p> <p>9 Q. Okay.</p> <p>10 A. I think I was under a deadline to get this to you.</p> <p>11 Q. And so is this a true and accurate copy of the</p> <p>12 Teams chats you pulled from the mill group chat?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And I think we maybe had talked about this,</p> <p>15 but the mill group chat, that's the one where,</p> <p>16 like, all the employees that work in the mill</p> <p>17 would be on?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. Quarry guys wouldn't be there. The bookkeeper</p> <p>21 wouldn't be there.</p> <p>22 Q. Okay.</p> <p>23 A. Everybody else would be.</p> <p>24 Q. And who, like, creates these chat groups? Is that</p> <p>25 you?</p>	<p style="text-align: right;">Page 89</p> <p>1 you captured it?</p> <p>2 A. Probably.</p> <p>3 Q. Okay. And do you know what this document is?</p> <p>4 A. Do I know what the document is?</p> <p>5 Q. Yeah. Did you -- have you seen this before?</p> <p>6 A. Yeah. It looks like chat messages.</p> <p>7 Q. Okay. And did you pull this from the Teams</p> <p>8 platform?</p> <p>9 A. Yeah. Mm-hmm.</p> <p>10 Q. And it lists, let's see, John Spears here, and</p> <p>11 then it has, like, purple. Who is -- do you know</p> <p>12 what the purple is? Is that you?</p> <p>13 A. Yeah, the purple would be me, and John Spears</p> <p>14 would be the grays. The unknown user I'm assuming</p> <p>15 is Gage, Gage Wheeler.</p> <p>16 Q. Okay.</p> <p>17 A. Yeah, Gage Wheeler? Yeah.</p> <p>18 Q. Okay. And it says "unknown user," and is that</p> <p>19 because he wasn't employed anymore when you pulled</p> <p>20 this?</p> <p>21 A. Yeah, I don't know why Teams does that. I</p> <p>22 don't -- it --</p> <p>23 Q. Okay.</p> <p>24 A. He was just no longer in the database or something</p> <p>25 and it just shows unknown.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. Okay. Okay. So is this a true and accurate copy 2 of the Teams chat with John Spears, and then Gage 3 Wheeler is unknown user, and you from 4 February 14th? 5 A. Yes. Yeah. 6 MS. O'REILLY: I'm going to stop sharing 7 this document and then I'm going to share 8 another document which I have marked as 9 Exhibit 6. 10 (Exhibit No. 6 marked for identification.) 11 THE WITNESS: You don't want any 12 explanation on Exhibit 5? There's a lot more 13 to that one. I know that's why we're here. 14 MS. O'REILLY: Oh. Nope. That's okay. 15 Q. (By Ms. O'Reilly) Okay. I've marked this next 16 document as Exhibit 6. I'm also going to give you 17 control, but I believe it's just this one page. 18 It's another JPEG of a Teams chat. Do you -- have 19 you seen this document before? 20 A. Can you bring up -- and then last one was 2 14, 21 11 49. Can you bring up Exhibit 5 again? 22 Q. I'm going to stick with this document right now. 23 A. I'm talking about the -- so the time line, so we 24 can see the time line? You know what I'm saying? 25 Q. I'm not worried about that right now. This is a</p>	<p style="text-align: right;">Page 92</p> <p>1 And then I'm going to share what I've marked 2 as Exhibit 7. 3 (Exhibit No. 7 marked for identification.) 4 Q. (By Ms. O'Reilly) Okay. I'll give you control as 5 well. Oops. Maybe not. Okay. Now I'm giving 6 you control, too, if you want to look at it. This 7 is another one of those JPEG ones. Do you know 8 the difference between how you got these -- these 9 ones kind of were produced as JPEGs versus doing 10 it as a PDF? 11 A. Yeah. It was probably learning how to do the 12 search and stuff that you were asking for. That's 13 all. 14 Q. Okay. And again here, would you be the purple? 15 A. Yes. 16 Q. Okay. And then is this a true and accurate copy 17 of looks like messages from February 14th between 18 you and John Spears? 19 A. Yeah, I would assume that it's a follow-on to that 20 same messaging. 21 MS. O'REILLY: Okay. I'm going to stop 22 sharing that one, and then I'm going to show 23 you another document here marked as 24 Exhibit 8. 25 (Exhibit No. 8 marked for identification.)</p>
<p style="text-align: right;">Page 91</p> <p>1 document that was produced to us. 2 Do you know what this document is? 3 A. John message to Gage? Yeah. I'm assuming it's -- 4 Q. And again -- 5 A. Yeah. Since the title states "John's message to 6 Gage about MSHA inspection second part," I would 7 assume that it's the follow-on to the other -- 8 Exhibit 5. That's all. 9 Q. And this would have been something you captured 10 from Teams to produce; is that correct? 11 A. Yes. 12 Q. And, again, would the "unknown user" be Gage 13 Wheeler here? 14 A. I have to assume yes. 15 Q. And the purple would be you? 16 A. Me. Mm-hmm. 17 Q. Yourself? 18 A. Yes. 19 Q. Okay. And is this a true and accurate copy of 20 these Teams messages between Gage Wheeler, 21 yourself, and then it looks like Jordan Tidaback 22 at the bottom? 23 A. Yes. 24 MS. O'REILLY: Okay. I'm going to stop 25 sharing that.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. (By Ms. O'Reilly) And do you know what this 2 document is? I'll give you control because this 3 one has a couple pages. 4 A. Yeah. So I can't read the title. I don't -- I'm 5 not sure what it is, but -- 6 Q. I'm not sure if I can -- well, are these Teams 7 chat messages? 8 A. They appear to be, yes. 9 Q. And would you have been the one to have pulled 10 these? 11 A. Yes. If I sent them to you, yes, it's me. 12 Q. Okay. And these -- this purple again, that would 13 be what you're communicating? 14 A. Yes. 15 Q. Okay. And would this be a true and accurate copy 16 of it looks like chats between John Spears and 17 yourself on April 14th? 18 A. It appears, yes. 19 Q. Okay. And do you know what year this would have 20 been? 21 A. I assume by the title it -- since it says 22 Exhibit 8 dash 14 April 2022, that it's 2022. 23 Q. And it looks like, you know, there's a discussion 24 with Rob. I don't -- I don't believe Rob was 25 employed in April of 2022, correct?</p>



<p style="text-align: right;">Page 94</p> <p>1 A. It could have been the group that Rob had. I</p> <p>2 don't know. Because they can add -- you know what</p> <p>3 I'm saying? They can add me to the group later on</p> <p>4 if they had a chat group, or if all three had a</p> <p>5 chat group with Rob. You know what I mean?</p> <p>6 Q. And it looks like -- in this first discussion, it</p> <p>7 says it looks -- it's from Rob: Looks like we're</p> <p>8 entitled to a week's pay because nothing was done</p> <p>9 about the safety situation until we were under the</p> <p>10 withdrawal, but legally they have to pay us for 12</p> <p>11 hours, and it kind of goes on.</p> <p>12 Does that kind of give you context? Because</p> <p>13 it sounds like this might be 2023, is I guess what</p> <p>14 I'm trying to understand.</p> <p>15 A. Yeah. Let's see here. Looks like we're --</p> <p>16 I'm assuming that's from Rob, and it looks</p> <p>17 like we're -- we are entitled up to a week's pay</p> <p>18 because nothing was done about the safety</p> <p>19 situation until we were under withdrawal, but</p> <p>20 legally they have to pay us up to the 12 hours.</p> <p>21 Yeah. I think I remember something about Rob</p> <p>22 asking about that, and I said we'd have to find</p> <p>23 out.</p> <p>24 Q. So does this look like it would have been April of</p> <p>25 2023, then?</p>	<p style="text-align: right;">Page 96</p> <p>1 titles, too, so I wouldn't necessarily rely on the</p> <p>2 title because I added the exhibit number as well</p> <p>3 so I had to shorten them, so -- but, just</p> <p>4 generally, are these more Teams chats?</p> <p>5 A. Yeah. So this one looks like you asked for the</p> <p>6 term "MSHA" because "MSHA" is highlighted here.</p> <p>7 Let's see here.</p> <p>8 Q. Okay.</p> <p>9 A. It's going to highlight the key words from the</p> <p>10 search.</p> <p>11 Q. Got it.</p> <p>12 A. So I probably just did a, you know, copy/paste and</p> <p>13 put it in a Word document.</p> <p>14 Q. Okay. So that's what this highlighted -- the</p> <p>15 highlighting means that you must have done a</p> <p>16 search for "MSHA" and this is what the hits were?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And you would have done the search and compiling</p> <p>19 this document, correct?</p> <p>20 A. Correct. That's correct.</p> <p>21 Q. Okay. So would you say this is a true and</p> <p>22 accurate document of the Teams chats -- of Teams</p> <p>23 chats between and among American Tripoli employees</p> <p>24 where "MSHA" was a hit word?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I don't -- I don't -- off the top of my head, I</p> <p>2 don't even know when Rob was terminated, so I</p> <p>3 don't know. I would assume. I would assume. I</p> <p>4 can assume.</p> <p>5 Q. Okay. Okay. I'm going to stop sharing this</p> <p>6 document.</p> <p>7 A. Only reason I say 2022 is because that's the way</p> <p>8 that the date across the top.</p> <p>9 Q. Yeah. Yeah. That's why I was kind of asking</p> <p>10 because I think that's incorrect because I don't</p> <p>11 believe Rob was employed at that time.</p> <p>12 A. Okay.</p> <p>13 Q. I think he wasn't employed until June of '22.</p> <p>14 A. I'd have to look.</p> <p>15 MS. O'REILLY: And then I'm going to</p> <p>16 stop sharing this one, and then I'm going to</p> <p>17 pull up another document, Exhibit 9.</p> <p>18 (Exhibit No. 9 marked for identification.)</p> <p>19 Q. (By Ms. O'Reilly) And then I'm going to let you</p> <p>20 have control over this as well if you'd like to</p> <p>21 look through it.</p> <p>22 Do you know what this document is?</p> <p>23 A. Not without the -- I can't see the title, so --</p> <p>24 just says --</p> <p>25 Q. And I will say I may have changed some of these</p>	<p style="text-align: right;">Page 97</p> <p>1 MS. O'REILLY: Okay. I'm going to stop</p> <p>2 sharing this one.</p> <p>3 (Exhibit No. 10 marked for identification.)</p> <p>4 Q. (By Ms. O'Reilly) All right. I'm going to pull</p> <p>5 up a document that is labeled as Exhibit 10, and I</p> <p>6 will give you control to kind of scroll through</p> <p>7 this one again.</p> <p>8 Does this look like some more Teams chats?</p> <p>9 A. Yeah. This appears to be the chat group -- or the</p> <p>10 chat Jim Hoover started with me.</p> <p>11 Q. Okay.</p> <p>12 A. I don't know if anybody else is --</p> <p>13 Q. Okay. So in the purple again, that would be you?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. And it looks like this was in April of</p> <p>16 2023; is that correct?</p> <p>17 A. It's -- yes, based on the title.</p> <p>18 Q. Okay. Well, and I see, like, on this page 6, it</p> <p>19 looks like --</p> <p>20 A. I'm sorry.</p> <p>21 Q. If you go to page 6. That's okay. Like it</p> <p>22 says -- like you would copy Jim Hoover and it says</p> <p>23 4/19/2023.</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. So would this be a true and accurate copy</p>

Page 98	Page 100
<p>1 of Teams chats that you had with Jim Hoover</p> <p>2 from --</p> <p>3 A. Yeah.</p> <p>4 Q. -- April of 2023?</p> <p>5 A. Yes.</p> <p>6 Q. And what was Jim Hoover's job title at this time?</p> <p>7 A. Yeah. So Jim Hoover was hired as a mill</p> <p>8 associate. Like I said, he worked for American</p> <p>9 Tripoli before we bought the company, and then he</p> <p>10 was a mill associate. We tried to promote him</p> <p>11 into the -- a shift lead position because he has</p> <p>12 the most experience there. So we put him into</p> <p>13 that position, and over time Christine Schreiber</p> <p>14 was the operations manager at the time, tried</p> <p>15 mentoring him and guide him along, and he</p> <p>16 basically admitted that he does not have the</p> <p>17 management aptitude or desire. He wants the pay</p> <p>18 but not the work.</p> <p>19 So we hired Rob to replace Jim and Rob went</p> <p>20 to the night shift, which is one of the reasons</p> <p>21 that we thought we could run two shifts because</p> <p>22 Rob wanted to manage the night shift, and since</p> <p>23 Jim didn't work out during the day shift, we had</p> <p>24 to close the night shift due to people not showing</p> <p>25 up and work, and then Rob took Jim's place. So</p>	<p>1 this document. I'm going to show you what's</p> <p>2 been marked as Exhibit 11.</p> <p>3 (Exhibit No. 11 marked for identification.)</p> <p>4 Q. (By Ms. O'Reilly) I'm going to share this. And</p> <p>5 I'll give you the ability to scroll through this</p> <p>6 if you want to.</p> <p>7 Do you know what this document is?</p> <p>8 A. The interrogatories that you requested.</p> <p>9 Q. Okay. So would this have been prepared by you --</p> <p>10 A. Yes.</p> <p>11 Q. -- this document?</p> <p>12 A. Mm-hmm.</p> <p>13 Q. Okay. And then if you scroll down, let me see, a</p> <p>14 little further, it looks like there's some Teams</p> <p>15 chats pasted into here. I think it's towards the</p> <p>16 bottom, but go ahead and take your time.</p> <p>17 Okay. So starting on page 16, do you see</p> <p>18 some Teams chats? At the top it says April 17th?</p> <p>19 A. Yes.</p> <p>20 Q. And this kind of looks like it's another copy of</p> <p>21 those chats between Jim Hoover and yourself; is</p> <p>22 that correct?</p> <p>23 A. Yes. I don't know who else would be in the group</p> <p>24 at that time. It doesn't mean specifically it's</p> <p>25 just me and Jim. It could be just us inputting</p>
Page 99	Page 101
<p>1 Rob was the shift lead and Jim went back to being</p> <p>2 a mill associate.</p> <p>3 Q. So during this time period, he would have been a</p> <p>4 mill associate; is that correct?</p> <p>5 A. When is this here? April?</p> <p>6 Q. Looks like April.</p> <p>7 A. I'd have -- yeah, I'd have to look back at the</p> <p>8 dates --</p> <p>9 Q. Okay.</p> <p>10 A. -- but I'd assume that, yes, Jim --</p> <p>11 Q. Okay.</p> <p>12 A. -- reported to -- yeah. He was not the -- if Rob</p> <p>13 was there during the day, then Jim was not the</p> <p>14 shift lead.</p> <p>15 Q. Okay. And then I'm going to direct you to</p> <p>16 page 11, and I see -- let me see. Kind of like</p> <p>17 towards the bottom it says that he's made a</p> <p>18 friend, it's in highlighting, at MSHA, Keith. Who</p> <p>19 would "Keith" be when you're referring to Keith</p> <p>20 there?</p> <p>21 A. That's a long discussion.</p> <p>22 Q. Just the name. Who -- is that -- are you</p> <p>23 referring to Keith Markeson?</p> <p>24 A. Yes.</p> <p>25 MS. O'REILLY: I'm going to stop sharing</p>	<p>1 conversations in that group. You know what I</p> <p>2 mean?</p> <p>3 Q. Got it. Okay. So this could have come from a</p> <p>4 group chat but you two appear, at least on page</p> <p>5 16, to be the only ones communicating at the time.</p> <p>6 A. Yeah, during that time, yeah.</p> <p>7 Q. Okay. That makes sense.</p> <p>8 And then would you say that this is a true</p> <p>9 and accurate copy of these Teams messages between</p> <p>10 you and Jim Hoover?</p> <p>11 A. Yes. Yeah. If that's the only two people in it,</p> <p>12 yes.</p> <p>13 Q. Okay. If you want to keep scrolling, you can;</p> <p>14 otherwise, I'm going to move on to another</p> <p>15 document. It's up to you.</p> <p>16 A. Yeah, I'm just -- I was just browsing.</p> <p>17 MS. O'REILLY: Okay. No problem.</p> <p>18 All right. I'm going to stop sharing this</p> <p>19 document and I'm going to move to a document</p> <p>20 marked as Exhibit 12.</p> <p>21 (Exhibit No. 12 marked for identification.)</p> <p>22 Q. (By Ms. O'Reilly) And I'll share my screen here.</p> <p>23 And I'll also give you access to kind of scroll</p> <p>24 through this.</p> <p>25 And do you know what this document is?</p>



<p style="text-align: right;">Page 102</p> <p>1 A. Yes. Your first discovery requests.</p> <p>2 Q. Okay. And would you have been the person who</p> <p>3 prepared this document?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And I think if you could scroll down a</p> <p>6 little bit towards page 8, there's some more Teams</p> <p>7 chats in there.</p> <p>8 A. Mm-hmm.</p> <p>9 Q. And, actually, I see -- if look at page 8, it</p> <p>10 starts -- sorry. Kind of made it -- I'm confused.</p> <p>11 Okay. And if you kind of scroll up a little bit</p> <p>12 there, it says -- do you see request number 24</p> <p>13 where it says: Produce the documents reflecting</p> <p>14 any communications, including Teams chats,</p> <p>15 regarding MSHA inspections and any MSHA</p> <p>16 inspectors, and then it looks like there was an</p> <p>17 additional, like, clarification to do a search for</p> <p>18 these specifics names of inspectors. Do you see</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And so, starting on page 9, is that -- are</p> <p>22 those the Teams chats that you pulled that had</p> <p>23 those hits?</p> <p>24 A. Yeah. So you see on the bottom of page 8 where it</p> <p>25 says "Keith," then it shows the highlighted</p>	<p style="text-align: right;">Page 104</p> <p>1 Do you know what this one -- were you the one who</p> <p>2 prepared this document?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And this one just looks a little bit</p> <p>5 different, so is it just a different way of kind</p> <p>6 of --</p> <p>7 A. It could have.</p> <p>8 Q. -- compiling them?</p> <p>9 A. Could have been from a different computer.</p> <p>10 Q. Okay.</p> <p>11 A. Tablet. Yeah.</p> <p>12 Q. Okay. And it looks like it says "mill group chat"</p> <p>13 at the top. Do you see that --</p> <p>14 A. Yes.</p> <p>15 Q. -- on page 1?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. So would these all be mill group chats, or I guess</p> <p>18 maybe it would just depend on what it says at the</p> <p>19 top of any of the chats? I guess you can scroll</p> <p>20 through and see --</p> <p>21 A. Yeah.</p> <p>22 Q. -- maybe they're not all mill group chats.</p> <p>23 A. Yeah. These look like a normal mill chat group.</p> <p>24 Q. Okay.</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 103</p> <p>1 keyword?</p> <p>2 Q. Okay. So it's got -- you organized it by the</p> <p>3 search and then the hit, it looks like?</p> <p>4 A. Mm-hmm. Yeah.</p> <p>5 Q. Okay. So, yeah, that's -- the first one is</p> <p>6 "Keith," then we go to "Markeson" and then there's</p> <p>7 some with Markeson, and then "Brian." Okay.</p> <p>8 And did you compile all of those Teams</p> <p>9 messages?</p> <p>10 A. What do you mean "compile"?</p> <p>11 Q. Did you do the search and then pull them over and</p> <p>12 put them in this document?</p> <p>13 A. Yeah, copy/paste. Yeah.</p> <p>14 Q. So would these Teams chats be a true and accurate</p> <p>15 copy of the Teams chats that you pulled from</p> <p>16 Microsoft Teams that had these hits?</p> <p>17 A. Yes.</p> <p>18 MS. O'REILLY: Okay. And then I'm going</p> <p>19 to stop sharing this one and I'm going to</p> <p>20 show you another document.</p> <p>21 (Exhibit No. 13 marked for identification.)</p> <p>22 Q. This next document I have marked as Exhibit 13.</p> <p>23 I'll share my screen and I'll give you control</p> <p>24 over this one as well.</p> <p>25 And this looks like some more Teams chats.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And that's the group, again, that's kind of all</p> <p>2 the employees that work in the mill, right?</p> <p>3 A. Mm-hmm. Mm-hmm.</p> <p>4 Q. Okay. And you're also part of that. That's why</p> <p>5 you were able to pull this?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And is this a true and accurate copy of</p> <p>8 these mill group Teams chats?</p> <p>9 A. Correct.</p> <p>10 MS. O'REILLY: Okay. Okay. I'm going</p> <p>11 to stop sharing this one and show you another</p> <p>12 document which I have marked as Exhibit 14.</p> <p>13 (Exhibit No. 14 marked for identification.)</p> <p>14 Q. (By Ms. O'Reilly) And I'll let you have control</p> <p>15 over this one, too, if you want to look at it.</p> <p>16 And are you familiar with this document in</p> <p>17 Exhibit 14?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And is this -- what is it?</p> <p>20 A. It's a no-gossip policy. They were having</p> <p>21 issues -- what day was this? In 2022, July and</p> <p>22 August of 2022, they were having a lot of</p> <p>23 gossiping issues amongst themselves and creating</p> <p>24 hostility between themselves, the mill associates</p> <p>25 and the quarry manager at the time, so we brought</p>

<p style="text-align: right;">Page 106</p> <p>1 this forward just to calm everybody down, stop,</p> <p>2 you know, the bickering and people wanting to</p> <p>3 fight each other and want to quit and this and</p> <p>4 that. So that's what this was: Guys, just calm</p> <p>5 down. So. . . .</p> <p>6 Q. Okay.</p> <p>7 A. That's what this was for. This is not for --</p> <p>8 Q. And did you --</p> <p>9 A. Sorry.</p> <p>10 Q. It's not for what?</p> <p>11 A. Yeah, I said it wasn't for everybody. I mean, we</p> <p>12 haven't used it again. It was just at that time</p> <p>13 to calm everybody down. I don't know if anybody</p> <p>14 signed it ever after this time.</p> <p>15 Q. Okay. So is this a current policy at American</p> <p>16 Tripoli?</p> <p>17 A. It's a policy but we -- we don't have anybody sign</p> <p>18 it because there's not the issue that's -- that's</p> <p>19 there.</p> <p>20 Q. Okay.</p> <p>21 A. So yes and no.</p> <p>22 Q. And who created this policy?</p> <p>23 A. I -- yeah, I assume I did. Yeah.</p> <p>24 Q. Do you know if you ever disciplined anyone as a</p> <p>25 result of --</p>	<p style="text-align: right;">Page 108</p> <p>1 (Exhibit No. 15 marked for identification.)</p> <p>2 Q. (By Ms. O'Reilly) I'll share my screen and I will</p> <p>3 give you remote access to this as well. Let me</p> <p>4 see if I can -- okay. You should have remote</p> <p>5 access now.</p> <p>6 Do you know what this document is?</p> <p>7 A. Yes. It's a Word version of our website employee</p> <p>8 handbook.</p> <p>9 Q. Okay. And was this employee handbook the one that</p> <p>10 was in effect when Rob Baumann was an employee of</p> <p>11 American Tripoli?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And who created this document?</p> <p>14 A. I believe Jordan and I did back in 2021.</p> <p>15 Q. And then if you go to page 43, is this the</p> <p>16 company -- it says progressive discipline. Is</p> <p>17 this the company's disciplinary policy?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. And was this in effect during Baumann's</p> <p>20 employment?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. And is this a true and accurate copy of the</p> <p>23 company's employee handbook?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Okay. I will stop sharing that.</p>
<p style="text-align: right;">Page 107</p> <p>1 A. No.</p> <p>2 Q. -- not following this policy?</p> <p>3 A. No. Even at this date when we had a meeting</p> <p>4 about, you know, the issues that the people were</p> <p>5 having and this and that and everything else,</p> <p>6 Mr. Hoover didn't want to sign it. Mr. -- I can't</p> <p>7 remember his name, Roger Chester, he didn't want</p> <p>8 to sign it, this and that and everything else, but</p> <p>9 it's okay. Guys, we got our point across. It's,</p> <p>10 you know --</p> <p>11 Q. Mm-hmm.</p> <p>12 A. -- trying to make sure everybody's not so mad at</p> <p>13 each other for nothing. So that's what this was</p> <p>14 for. But no, no other workers -- yeah.</p> <p>15 Q. Okay.</p> <p>16 A. Yeah.</p> <p>17 Q. And so is this a true and accurate copy of the</p> <p>18 no-gossip policy for American Tripoli?</p> <p>19 I'm sorry. Did you respond to that? I might</p> <p>20 have missed it?</p> <p>21 A. I'm sorry. Yes. Yes. It is.</p> <p>22 MS. O'REILLY: Sorry.</p> <p>23 Okay. I'm going to stop sharing that</p> <p>24 document. I'm going to pull up another document</p> <p>25 which I've marked as Exhibit 15.</p>	<p style="text-align: right;">Page 109</p> <p>1 A. There have been changes since the printing of that</p> <p>2 document, but --</p> <p>3 Q. Okay.</p> <p>4 A. Because they view it live online. It's on the</p> <p>5 website, the employee handbook.</p> <p>6 Q. Okay. When would changes have been made, do you</p> <p>7 know?</p> <p>8 A. I think it was December 31st or January 1st of</p> <p>9 this year.</p> <p>10 Q. Of 2024?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay. And so there was some recent changes to</p> <p>13 this. Prior to that?</p> <p>14 A. No. It should have been the same since 2021.</p> <p>15 MS. O'REILLY: Okay. Thank you.</p> <p>16 And I'm going to show you a document which</p> <p>17 I've labeled as Exhibit 16.</p> <p>18 (Exhibit No. 16 marked for identification.)</p> <p>19 Q. (By Ms. O'Reilly) I'll share my screen and I'll</p> <p>20 let you have --</p> <p>21 A. Okay.</p> <p>22 Q. -- control over the document if you want to look</p> <p>23 at it.</p> <p>24 Do you know what this document is?</p> <p>25 A. Yeah, 5000-23.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. And what is that?</p> <p>2 A. Certificate of training for Mr. Baumann, his new</p> <p>3 miner's training, it appears.</p> <p>4 Q. Okay. And it says, like, on Part 6 there's</p> <p>5 someone that signed that. Do you know whose</p> <p>6 signature that is?</p> <p>7 A. Bonnie Bainter.</p> <p>8 Q. And who is she?</p> <p>9 A. She was the safety and health and -- specialist at</p> <p>10 the time.</p> <p>11 Q. Okay. And so would she have provided Baumann with</p> <p>12 this training that's listed on here?</p> <p>13 A. Yes. Yeah. She was the training -- I don't know</p> <p>14 if it was Roger Chester or if it was Bonnie that</p> <p>15 did the training, but Roger was the certified</p> <p>16 trainer.</p> <p>17 Q. Okay.</p> <p>18 A. Bonnie was just responsible for the training to</p> <p>19 happen.</p> <p>20 Q. Okay. And is this a true and accurate copy of</p> <p>21 Baumann's, I guess, certificate of training?</p> <p>22 A. Yeah, his new miner training? Yes.</p> <p>23 MS. O'REILLY: Okay. And then I'm going</p> <p>24 to pull up a document which I've marked as</p> <p>25 Exhibit 18. Oh. No. 17. Sorry.</p>	<p style="text-align: right;">Page 112</p> <p>1 didn't put anything.</p> <p>2 Q. And so are they inputting the information directly</p> <p>3 into this document or -- it sort of sounds like --</p> <p>4 is there another form that this pulls from?</p> <p>5 A. Yes. There's a form that -- a front-facing form</p> <p>6 that they put data in that fills the database and</p> <p>7 this is the report from that database.</p> <p>8 Q. Okay.</p> <p>9 A. Yeah, this looks like --</p> <p>10 Q. So it's like an app -- like is it -- go ahead.</p> <p>11 A. No, this is a Microsoft form that --</p> <p>12 Q. Okay.</p> <p>13 A. I'm assuming it's a SharePoint database. I</p> <p>14 don't -- I don't know where it comes from, but we</p> <p>15 just run the report off the form. That's all it</p> <p>16 is.</p> <p>17 Q. And then do you keep copies of the actual form?</p> <p>18 A. The actual form is a front end so that they can</p> <p>19 access it through Teams. Yeah. And then --</p> <p>20 Q. So it's more like an application.</p> <p>21 A. Yes. Yeah.</p> <p>22 Q. Okay.</p> <p>23 A. It's a -- I think it's called an application.</p> <p>24 Q. Okay. So that doesn't really generate a document;</p> <p>25 it just pushes it into this. But they're looking</p>
<p style="text-align: right;">Page 111</p> <p>1 (Exhibit No. 17 marked for identification.)</p> <p>2 Q. (By Ms. O'Reilly) I'll give you access.</p> <p>3 And do you know what this document is?</p> <p>4 A. This -- it appears to be the report from a daily</p> <p>5 workplace exam. Let's see here. Yeah.</p> <p>6 Q. Okay. And where is this document maintained?</p> <p>7 A. Well, the report is pulled from Teams. When they</p> <p>8 do their daily workplace exams, it's on a form so</p> <p>9 that they can use their cell phones or tablets</p> <p>10 while they're walking around doing the exams. So</p> <p>11 this one here --</p> <p>12 Q. So --</p> <p>13 A. So this one here shows that Bonnie Bainter signed</p> <p>14 in on the form on this -- on the inspection date</p> <p>15 at 8:00 a.m. and the exam in the break room, and</p> <p>16 note any safety issues is the question. So the --</p> <p>17 her response would have been: Floor 1 could use</p> <p>18 some attention around the tube mill, along with</p> <p>19 floor 2 around bagger west side. That would be</p> <p>20 question number one.</p> <p>21 Question number two would be: Examine the</p> <p>22 floor -- or production floor east storage area.</p> <p>23 Note any safety issues. And she wrote "yes."</p> <p>24 Question three would have been: Examine the</p> <p>25 loading dock. Note any safety issues. And she</p>	<p style="text-align: right;">Page 113</p> <p>1 at something a little bit different --</p> <p>2 A. Yeah.</p> <p>3 Q. -- when they're filling the data in?</p> <p>4 A. Yeah. Correct. Yeah, they don't see --</p> <p>5 Q. Okay.</p> <p>6 A. It's just a question. They don't even show that</p> <p>7 they log in. It automatically does that by --</p> <p>8 their name, date, and time is automatic. It's</p> <p>9 recorded automatically.</p> <p>10 Q. Okay.</p> <p>11 A. The questions are the only thing that they see and</p> <p>12 it's just a question and a block that they can</p> <p>13 input data.</p> <p>14 Q. Okay. And when it says here "name" and then,</p> <p>15 like, you know, for these first few ones, it's</p> <p>16 Bonnie Bainter, does that mean that's the person</p> <p>17 who did the workplace exam?</p> <p>18 A. Yes. Yeah.</p> <p>19 Q. Okay. And it looks like, if you scroll down a</p> <p>20 little bit, Rob Baumann did workplace exams for a</p> <p>21 period of time; is that correct?</p> <p>22 A. Yes. It appears that way, yes.</p> <p>23 Q. Okay.</p> <p>24 A. It was part of their task -- yeah, I think the</p> <p>25 shift lead is supposed to do the overall daily</p>

<p style="text-align: right;">Page 114</p> <p>1 workplace inspection, making sure all the</p> <p>2 equipment is safe and the guarding is on and</p> <p>3 there's nothing going to hurt the mill associate,</p> <p>4 and then the mill associate gets told, hey, you're</p> <p>5 going to be working bagger or you're going to be</p> <p>6 working stacker or you're going to be working the</p> <p>7 forklift. Okay. Well, that person then is</p> <p>8 supposed to do a workplace exam as well. And</p> <p>9 Mr. Baumann is supposed to check behind -- or</p> <p>10 shift lead is supposed to check behind that person</p> <p>11 to make sure that they're doing their inspections</p> <p>12 as well.</p> <p>13 Q. Okay.</p> <p>14 A. Yeah. That's why sometimes you'll see Ronnell</p> <p>15 Fondren and Jim Hoover, R.J. Williams. Those are</p> <p>16 just mill associates but follow behind Rob</p> <p>17 Baumann. And it's one of those things I think in</p> <p>18 the conversation from the text, if I remember</p> <p>19 correctly, they were talking about that Jim and</p> <p>20 them didn't have to do an inspection if Rob did an</p> <p>21 inspection, which is true per the regulations,</p> <p>22 just someone needs to do one. But, like we</p> <p>23 explained, they should be doing it themselves to</p> <p>24 make sure that there's nothing that got overlooked</p> <p>25 or something that's going to hurt them. So that's</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. -- to the categories above; it's just because of</p> <p>2 the way it printed.</p> <p>3 A. Yeah, I don't -- I don't know why it --</p> <p>4 MS. O'REILLY: Okay. Okay. That's</p> <p>5 helpful to know. Thank you. I'm going to</p> <p>6 stop sharing this document.</p> <p>7 Okay. I'm going to show you another</p> <p>8 document. I'm going to go to Exhibit Number 19.</p> <p>9 I know I'm skipping 18, just -- I don't know that</p> <p>10 I'm going to use the one that I had previously</p> <p>11 marked as 18. I'm going to share my screen with</p> <p>12 that.</p> <p>13 (Exhibit No. 19 marked for identification.)</p> <p>14 Q. (By Ms. O'Reilly) So this is Exhibit 19. I'm</p> <p>15 going to share my screen with that, and I'll let</p> <p>16 you have control over this document.</p> <p>17 A. Yeah.</p> <p>18 Q. Do you know what this document is?</p> <p>19 A. Yeah. This looks like the document that you were</p> <p>20 asking about earlier for production lead duties.</p> <p>21 Q. Okay.</p> <p>22 A. I said I'd have to go look.</p> <p>23 Q. Okay. And when we were talking about production</p> <p>24 lead, we've been using the word "shift lead," too.</p> <p>25 Is that the same thing?</p>
<p style="text-align: right;">Page 115</p> <p>1 why --</p> <p>2 Q. Okay. And so you pulled this document from, I</p> <p>3 guess, where it's maintained in Teams? Is that</p> <p>4 correct?</p> <p>5 A. I don't think it's stored in Teams. I think it's</p> <p>6 stored in the Microsoft cloud. I'm not sure.</p> <p>7 Q. Okay.</p> <p>8 A. Just in the form it has a report button. We</p> <p>9 generate a report based on the date and that's</p> <p>10 what it was --</p> <p>11 Q. Okay. So this -- is this a true and accurate copy</p> <p>12 of the workplace exam records from, it looks like,</p> <p>13 June 21st of '22 through --</p> <p>14 A. Yes. Yeah, it appears --</p> <p>15 Q. -- April 11th, 2023?</p> <p>16 A. Yeah. I guess the second page here at the bottom</p> <p>17 is the next questions that they didn't finish.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. I see that.</p> <p>21 A. I guess it wraps around.</p> <p>22 Q. Page 2. Okay. So some of them you can see stuff.</p> <p>23 A. Yeah.</p> <p>24 Q. And that would correlate --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Correct. Yes. Yeah.</p> <p>2 Q. Okay. And who created this document?</p> <p>3 A. Yeah, I -- I think it was actually before us. We</p> <p>4 just edited it to fit our documents. I don't</p> <p>5 think we created it.</p> <p>6 Q. Okay. And is this the job title that Baumann</p> <p>7 would have had, would have been production lead,</p> <p>8 or shift lead?</p> <p>9 A. Yeah, shift lead.</p> <p>10 Q. Okay. And is this something -- I think you had</p> <p>11 mentioned -- is this something maintained</p> <p>12 somewhere that employees can access?</p> <p>13 A. Yeah, this should be available to them in Teams in</p> <p>14 their -- I think it's the safety folders that has</p> <p>15 all the --</p> <p>16 Q. Okay.</p> <p>17 A. -- and SOPs and everything for them. But, yes,</p> <p>18 this would have been --</p> <p>19 Q. And -- okay. And is this the production lead</p> <p>20 duties document that would have been in place</p> <p>21 during Rob Baumann's employment?</p> <p>22 A. Yes.</p> <p>23 Q. And do you know if he was -- if Rob was ever</p> <p>24 provided with this -- a copy of this document?</p> <p>25 A. We don't print, so "provided a copy" would be</p>

<p style="text-align: right;">Page 118</p> <p>1 misleading. Access to the documents, yes.</p> <p>2 Explained where the documents were, yes. Because</p> <p>3 we've actually had conversations, him and I, about</p> <p>4 going in there and reading the documents. Not</p> <p>5 necessarily this specific document but all the</p> <p>6 documents in there so that he can relate to his</p> <p>7 people about how do we request time off? How do</p> <p>8 we do this? How do we do that? That kind of</p> <p>9 stuff.</p> <p>10 Q. So do you know if anyone ever specifically told</p> <p>11 him to look at this document?</p> <p>12 A. Specifically? I -- well, really, I would have to</p> <p>13 say that I -- me and Rob probably went over this</p> <p>14 document so that he would know what he was</p> <p>15 supposed to do. I can't tell you when, a date,</p> <p>16 but I'm -- based on our conversations, I would say</p> <p>17 that we did go over this document one on one.</p> <p>18 Q. And would that have been in person?</p> <p>19 A. I would -- I -- matter of fact, I think it was. I</p> <p>20 think it was in the control room when we put the</p> <p>21 new computer in there for him and we went over</p> <p>22 this. I think we actually went over this with</p> <p>23 both him and Jim Hoover. For some reason that</p> <p>24 rings a bell.</p> <p>25 Q. At the same time?</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. I'll give you access.</p> <p>2 A. Yeah.</p> <p>3 Q. Sorry.</p> <p>4 A. No, that's fine. Yeah.</p> <p>5 Q. Okay.</p> <p>6 A. Yeah. Yeah, I can say that this would be an</p> <p>7 accurate one.</p> <p>8 Q. Okay. And is this -- does this document capture</p> <p>9 all of the job duties that Rob Baumann had while</p> <p>10 he was employed with American Tripoli?</p> <p>11 A. This document is stored online so it is a live</p> <p>12 document that they can edit and add things to.</p> <p>13 That was part of the things that we talked about</p> <p>14 so that we can review this when we go to their</p> <p>15 quarterly performance reviews and annual</p> <p>16 performance reviews so that they can detail all</p> <p>17 the things that they do so that we have more, as I</p> <p>18 call it, ammunition so they can get promoted or a</p> <p>19 bigger pay raise.</p> <p>20 So this would have been edited by them as</p> <p>21 well. So I have to say yes, he has access to it.</p> <p>22 Is this everything that he does? I would have to</p> <p>23 assume, but again, they add and put more details</p> <p>24 to it. So. . . .</p> <p>25 I would hope that they put more details in it</p>
<p style="text-align: right;">Page 119</p> <p>1 A. We -- I do believe that I -- I do believe it was</p> <p>2 at the same time because Mr. Hoover added a lot of</p> <p>3 stuff to this as well, added a lot of smaller</p> <p>4 details.</p> <p>5 Q. And when would that have been? Would that have</p> <p>6 been towards the beginning of Baumann's</p> <p>7 employment? Towards the end? Somewhere in the</p> <p>8 middle?</p> <p>9 A. Yeah, I would assume that that would have been</p> <p>10 more when Rob was at nights and Jim was during the</p> <p>11 day, that transition period of timing.</p> <p>12 Q. And do you know approximately when that was?</p> <p>13 A. Not without looking at documents.</p> <p>14 Q. Would that have been towards the end of Baumann's</p> <p>15 employment --</p> <p>16 A. No.</p> <p>17 Q. -- or would that --</p> <p>18 A. No. The begin -- that was the very beginning.</p> <p>19 Q. Okay. Is this a true and accurate copy of the</p> <p>20 production lead duties documents that American</p> <p>21 Tripoli has?</p> <p>22 A. I -- yeah, I'm -- safe to say yes. I can't scroll</p> <p>23 up or down, but yes.</p> <p>24 Q. Oh.</p> <p>25 A. It's okay. It looks --</p>	<p style="text-align: right;">Page 121</p> <p>1 but I'm not sure because, like I said, him and</p> <p>2 Mr. Hoover worked on this as well, or at least we</p> <p>3 all discussed it.</p> <p>4 Q. So since this is a live document, can you be sure</p> <p>5 that this is in the form that it would have been</p> <p>6 when Baumann was employed?</p> <p>7 A. Yeah, that's a good question. I can't say that</p> <p>8 it's not. I would assume that it would be.</p> <p>9 Q. Okay.</p> <p>10 A. You know, I don't know why anybody would take --</p> <p>11 take anything out of it. I mean, we just add to</p> <p>12 it.</p> <p>13 Q. So -- but job duties could have been added since</p> <p>14 Baumann was employed?</p> <p>15 A. Let's see. Who's there now? Don Hale? No. No.</p> <p>16 He's still -- he's still learning his job.</p> <p>17 He's -- he hasn't added anything.</p> <p>18 MS. O'REILLY: Okay. I'm going to stop</p> <p>19 sharing this document and move to the next</p> <p>20 one.</p> <p>21 So I'm going to share with you a document</p> <p>22 marked as Exhibit 20.</p> <p>23 (Exhibit No. 20 marked for identification.)</p> <p>24 Q. (By Ms. O'Reilly) And I'm going to let you have</p> <p>25 control over this, too.</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Mm-hmm.</p> <p>2 Q. And do you know what this document is?</p> <p>3 A. It appears to be the interrogatories you</p> <p>4 requested.</p> <p>5 Q. And would you have prepared this document?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. And then if you go down to interrogatory</p> <p>8 number 3 --</p> <p>9 A. Mm-hmm.</p> <p>10 Q. -- I think that's just a bullet point from one of</p> <p>11 your answers. If you go down a little further.</p> <p>12 Oh, no. I think that's still a bullet point.</p> <p>13 Here, I can scroll down. Oh. Yeah, so</p> <p>14 interrogatory number 2 is on page 5 and then --</p> <p>15 okay. Interrogatory number 3 on page 6.</p> <p>16 A. Mm-hmm.</p> <p>17 Q. It says: Set forth the job duties, title, and</p> <p>18 responsibilities of Robert Baumann while he was</p> <p>19 employed by Respondent, including the dates of his</p> <p>20 employment in each role, and then here it looks</p> <p>21 like you listed his dates -- Baumann's dates of</p> <p>22 employment, and then the shift lead duties.</p> <p>23 A. Mm-hmm.</p> <p>24 Q. And so would these duties be -- capture all the</p> <p>25 duties, maybe from that other document or not,</p>	<p style="text-align: right;">Page 124</p> <p>1 maintenance team, supply requests, yes.</p> <p>2 Additional tasks, yeah. Professional development</p> <p>3 counseling, yes. Work with John. Again, working</p> <p>4 with Mr. Baumann trying to give him experience and</p> <p>5 a little help with being a manager, he just --</p> <p>6 he's just not an experienced manager. That's all</p> <p>7 it was. Shift lead not a supervisor. Yep. Yeah.</p> <p>8 I agree. Yeah.</p> <p>9 Q. Okay. And these are -- so I'm just going to kind</p> <p>10 of go through a few of these just to get some more</p> <p>11 information.</p> <p>12 First, how many hours a week did Baumann</p> <p>13 work? Did he do all these duties within, like, a</p> <p>14 40-hour work week?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Was he expected to work more?</p> <p>17 A. No. We didn't request any overtime or work at</p> <p>18 nights or weekends. You know, just their shift is</p> <p>19 all they did.</p> <p>20 Q. And do you know what his shift was?</p> <p>21 A. At the end was 8:00 to 4:30, 30 minutes --</p> <p>22 Q. Is there a lunch break in there?</p> <p>23 A. Yes, a 30-minute lunch.</p> <p>24 Q. Okay. So on here -- let's see. Under time</p> <p>25 tracking it said that Baumann was tasked to</p>
<p style="text-align: right;">Page 123</p> <p>1 that Baumann had during his employment? Did you</p> <p>2 list all those here?</p> <p>3 A. I -- yeah, I don't know if I referred back to that</p> <p>4 document. I just thought about the duties that he</p> <p>5 did. Let's see here.</p> <p>6 Q. Okay.</p> <p>7 A. Mm-hmm. Duties, startup, yeah; time tracking,</p> <p>8 yeah; safety, yes, yep; control room backup.</p> <p>9 Let's see here. Control room backup? What did I</p> <p>10 mean by that? He was tasked as the backup -- oh.</p> <p>11 Okay. So at that time, since there was the</p> <p>12 control room backup, Jim would have been the more</p> <p>13 experienced person in the control room so Rob</p> <p>14 would have been the backup. Yeah. Makes sense.</p> <p>15 Probably got that from the notes.</p> <p>16 Let's see here.</p> <p>17 Q. Okay.</p> <p>18 A. Control room operation, yes. Yeah, the senior</p> <p>19 mill associate would have been Jim Hoover. Okay.</p> <p>20 Startup/shutdown procedures, yes; collaboration,</p> <p>21 yes; mill production, yes; shipping/receiving.</p> <p>22 Mailing/preparing handles -- oh, the filling the</p> <p>23 small bags, yes. CILAS reports, yes. I don't</p> <p>24 think he ever did those, but yes. Preventive</p> <p>25 maintenance schedules, yes. Yeah. Cooperate with</p>	<p style="text-align: right;">Page 125</p> <p>1 maintain records of hours worked.</p> <p>2 A. Mm-hmm.</p> <p>3 Q. How was he supposed to keep track of the hours</p> <p>4 worked by employees?</p> <p>5 A. In Microsoft Teams, there is a time tracker. I</p> <p>6 don't know what it's called but it's -- I think</p> <p>7 it's called time tracker. I think it's what it's</p> <p>8 called. But it's an app within Microsoft Teams.</p> <p>9 So he has access to it.</p> <p>10 Q. And is that something that employees would clock</p> <p>11 in or clock out from, or was he supposed to be</p> <p>12 watching, like, the moment that somebody arrived?</p> <p>13 A. Right. So the way that the mill is laid out,</p> <p>14 everybody in the mill, mill associates, to get to</p> <p>15 the break room, which is where their lockers were</p> <p>16 initially during Mr. Baumann's time, they walked</p> <p>17 by what is considered the control room. So they</p> <p>18 would have to see Baumann as they walked in.</p> <p>19 Q. So the employees didn't clock in but Baumann would</p> <p>20 just -- was supposed to see them --</p> <p>21 A. Correct.</p> <p>22 Q. -- come in and know when they came in?</p> <p>23 A. Yep. Yeah. So --</p> <p>24 Q. Is that --</p> <p>25 A. -- the normal process -- I'm assuming that's where</p>



Page 126	Page 128
<p>1 you're leading with the next question, normal  2 process, is at 8 o'clock everybody shows up in the  3 break room, which is next to the control room.  4 That way there's a board on the wall that he  5 assigns the tasks out that day. So if he wanted  6 Jim to be the bagger and Ronnel be the forklift  7 driver, whatever, he would task that out by  8 writing it on a white wipe-off board. That way  9 the guys didn't have to keep hounding him about  10 what do you want me to do? What do you want me to  11 do? It would be on that board so that they can be  12 easily tasked out.  13 And then the same thing -- there was a board  14 in the break room that showed the guys which  15 orders we were working on, which Mr. Baumann got  16 from the production schedule before he put it in  17 the production schedule spreadsheet, or form.  18 Okay? So that's a normal startup procedure.  19 And then as he's tasked them out, whether  20 they be in greasing or they're going to get  21 pallets or bags or whatever, that's that  22 first-hour startup, they're supposed to do their  23 workplace inspections, the forklift inspection,  24 and then go get the supplies for the run.  25 And then, once everybody comes back after</p>	<p>1 complete this duty?  2 A. As far as what?  3 Q. Well, looks like he was tasked to collaborate with  4 the safety specialist about MSHA compliance. What  5 sort of training did you provide him on that?  6 A. The MSHA training itself is what provides that  7 training. The communication between the  8 environmental safety specialist and the shift lead  9 is just communications. That's a relationship  10 that they -- they're taught to have with each  11 other.  12 Because a safety specialist, you got to  13 take -- he comes in and out of the mill all day  14 long. It's part of his job duties.  15 Q. And did Baumann receive any different or more  16 training on MSHA --  17 A. Yes. Yeah.  18 Q. -- standards than, like, a regular mill associate?  19 A. Yes. The mill associates are not in a position  20 for a leadership or a management role so they  21 wouldn't receive the additional counseling and  22 mentoring and private conversations to make sure  23 that production works. So, yes, Mr. Baumann did  24 receive additional training.  25 Q. And was that additional training specific to MSHA</p>
Page 127	Page 129
<p>1 finishing their specific task, then they start  2 production.  3 And then, at the end of the day, 3:30, an  4 hour before going home, is the shutdown  5 procedures. Well, Mr. Baumann, the shift lead,  6 lets the equipment run so that it cleans itself  7 out, but the mill associates may be tasked with  8 cleaning the bathrooms, cleaning the break room,  9 taking back the supplies that weren't finished for  10 that order that day, assisting maintenance, you  11 know, assisting Mr. Baumann, whatever he may need,  12 or the shift lead, whatever they may need.  13 So that's the whole process, but it is  14 written down by the shift lead in the control --  15 or the break room so that the mill associates know  16 what's going on throughout their entire shift,  17 startup and shutdown. Does that help?  18 Q. Sure.  19 And then another one, it says that -- let me  20 see where it says this -- under enforcement of  21 safety procedures, that he was supposed to  22 collaborate with the environmental and safety  23 specialist to ensure MSHA -- compliance with MSHA.  24 A. Correct.  25 Q. Did you provide Baumann with any training to</p>	<p>1 standards?  2 A. Specific to MSHA standards? Mr. Baumann was  3 explained -- even during the training, I know I  4 personally went through the MSHA little book that  5 they gave us at the -- I can't think of what the  6 little book's called, the regulations, showing him  7 how to read through those and go through them so  8 that he could find different things as he has  9 questions and stuff like that.  10 So, yes, he was -- he was shown how to read  11 the MSHA regulations. I even showed him how to  12 research online, which is quicker than reading the  13 book. So, yes, Mr. Baumann was shown how to  14 ensure compliance with MSHA.  15 The -- there's a guarding book that we have  16 that was sent to Mr. Baumann. I asked him to read  17 it and let's discuss it in the chat group so that  18 the mill associates would have a better  19 understanding of guarding, too. And I think that  20 link is out there.  21 Q. When did you send him -- when did you guys discuss  22 that guarding book?  23 A. Yeah, I'd have to -- it was in one of his  24 counseling calls. I don't know what date. I'd  25 have to look back at the date on the file that</p>

<p style="text-align: right;">Page 130</p> <p>1 that was put there. I put it there for that</p> <p>2 specific reason for Mr. Baumann to read over it.</p> <p>3 So whatever the date stamp on that file is.</p> <p>4 Q. And did you read that book?</p> <p>5 A. Yes.</p> <p>6 Q. And then you just mentioned during one of the</p> <p>7 counseling calls. What are you referring to? Did</p> <p>8 you have regularly scheduled counseling calls</p> <p>9 with --</p> <p>10 A. Not scheduled calls. Mr. Baumann, you know, like</p> <p>11 he would miss inputting the data into the daily</p> <p>12 production, so of course we'd have to reach back</p> <p>13 out to him because our reports aren't being</p> <p>14 generated properly and he would explain, Oh, I</p> <p>15 forgot. You have to explain to him that you can</p> <p>16 fill this out at home. You can fill this out at</p> <p>17 the park, at your mom's house, at a library. You</p> <p>18 don't have to be in the control room, you know,</p> <p>19 part of that helping him understanding that it's</p> <p>20 internet-based, not computer-in-the-office-based.</p> <p>21 And then those -- those were random. You</p> <p>22 know, there was no set thing. You know, there</p> <p>23 were times that, you know, times he called me, you</p> <p>24 know, at the very beginning and would just ask</p> <p>25 questions about this and about that and, you know,</p>	<p style="text-align: right;">Page 132</p> <p>1 was -- that was about it.</p> <p>2 Q. And would you be calling his personal phone on</p> <p>3 that time or did you have a work --</p> <p>4 A. No, that would have been either through Teams or</p> <p>5 to my cell phone. Yeah. Because they all had --</p> <p>6 they all had my cell phone number at the time.</p> <p>7 Q. And if you were talking to him on the phone, he</p> <p>8 would be on his personal phone or would he be on,</p> <p>9 like, an American Tripoli phone?</p> <p>10 A. I -- yeah, I don't -- I don't remember if he had a</p> <p>11 company phone or not at that time. I don't -- I</p> <p>12 don't know. Don't remember.</p> <p>13 Q. Okay. And then I think you had brought up, I</p> <p>14 think at the top of page 7, control room operation</p> <p>15 and it mentioned when there was -- in the absence</p> <p>16 of a more senior mill associate. When -- was that</p> <p>17 if somebody was on vacation or what was that?</p> <p>18 A. No. So Mr. Hoover is notoriously -- missed a lot</p> <p>19 of work, late, you know, disappears. So, in a</p> <p>20 production environment, you just can't walk away</p> <p>21 from the equipment because you're putting other</p> <p>22 people in danger, so Mr. Baumann had to, you know,</p> <p>23 step up and say, hey, you know, where's Jim? or,</p> <p>24 you know, why is Mr. Hoover not here today? You</p> <p>25 know, and he would come in and do that kind of</p>
<p style="text-align: right;">Page 131</p> <p>1 everything was provided online so we just had to</p> <p>2 refer him to where it's at and how to get there.</p> <p>3 Like I said, he's just not computer savvy.</p> <p>4 So. . . .</p> <p>5 Q. And how many counseling phone calls would you say</p> <p>6 you had with Mr. Baumann while he was employed?</p> <p>7 A. Oh, I don't -- I don't -- it would be a guess. I</p> <p>8 didn't keep track of the phone calls and stuff</p> <p>9 like that.</p> <p>10 Q. Would it be more than five?</p> <p>11 A. I would say so, yes. Over the time that he --</p> <p>12 Q. More than -- yeah.</p> <p>13 A. I would say --</p> <p>14 Q. Would it be more --</p> <p>15 A. Maybe five to ten, yeah.</p> <p>16 Q. Between five and ten?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. And what would be, like, the length of</p> <p>19 those phone calls, usually?</p> <p>20 A. I have no idea. I don't think they were very</p> <p>21 long, if anything, because I think a lot of times</p> <p>22 he was just looking for questions. Just like</p> <p>23 Mr. Hoover, just looking for questions: What</p> <p>24 about this? What about that? Ask him, Did you</p> <p>25 talk with John, or Christine at the time? That</p>	<p style="text-align: right;">Page 133</p> <p>1 stuff. So that's what that meant.</p> <p>2 Q. And how would he know how to operate the control</p> <p>3 room?</p> <p>4 A. He was shown by Mr. Hoover and through Mr. Randy</p> <p>5 Drake and through John Spears. I don't know if</p> <p>6 Rob worked with -- yeah, the maint- -- the mill</p> <p>7 manager before John, if you want to call it that,</p> <p>8 what we called him at the time, I don't know if he</p> <p>9 worked with Rob, but he's the one that started</p> <p>10 documenting a lot of startup procedures and stuff</p> <p>11 like that. So. . . .</p> <p>12 Q. Okay.</p> <p>13 A. Rob would have been given hands-on instructions as</p> <p>14 well as the document that we have that shows the</p> <p>15 startup and shutdown procedures and how to operate</p> <p>16 and run the control room.</p> <p>17 Q. Okay. And then it talks about mill product and</p> <p>18 production supply inventory. What sort of</p> <p>19 training did he receive to do this task?</p> <p>20 A. Hands-on training. I mean, it's to go over there</p> <p>21 and count. You know, we're giving you the</p> <p>22 spreadsheet that has the items and you just have</p> <p>23 to count the items.</p> <p>24 Q. And was he solely in charge of this or did</p> <p>25 somebody else also have a role with regard to</p>



<p style="text-align: right;">Page 134</p> <p>1 keeping track of inventory?</p> <p>2 A. Mr. -- well, Mr. Baumann would have either done it</p> <p>3 himself or he would have tasked it to one of the</p> <p>4 mill associates so that they could do it, but it</p> <p>5 would have been Mr. Baumann -- you know,</p> <p>6 logically, the chain of command, it would have</p> <p>7 been Mr. Spears, Mr. Baumann, making sure that it</p> <p>8 gets done, and then it could have been -- even</p> <p>9 Mr. Spears has done it. So any of them could have</p> <p>10 done it. So. . . .</p> <p>11 Q. So some of these duties Baumann could have tasked</p> <p>12 to another --</p> <p>13 A. Oh, yeah.</p> <p>14 Q. -- employee to do?</p> <p>15 A. Yes. Yeah. He was advised to do that.</p> <p>16 Q. Do you know if he did that?</p> <p>17 A. He was advised to do that.</p> <p>18 Q. Do you know which of these duties he tasked to</p> <p>19 other employees?</p> <p>20 A. Well, and part of the mill associate's progression</p> <p>21 is the learn the control room; it is to learn</p> <p>22 safety; it is to learn, you know, the inventory,</p> <p>23 forklifts, and everything else. So as</p> <p>24 Mr. Baumann, you know, shared his experience and</p> <p>25 knowledge, he should have been, you know, hey,</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I know Mr. Hoover did; I know Mr. Ronnell Fondren</p> <p>2 did. I can't think of the other guy's name. Oh,</p> <p>3 lives right down the street. I can see his face;</p> <p>4 can't think of his name. R.J. Williams. R.J.</p> <p>5 Williams is another one that was very voiceful</p> <p>6 about Rob. Christine Schreiber. She was the</p> <p>7 operations manager there. She had mentioned</p> <p>8 numerous times about, you know, she's thinking</p> <p>9 about -- we probably just need to replace Rob. We</p> <p>10 need to get rid of him. He's not being</p> <p>11 productive. He's got an attitude. Yeah. So</p> <p>12 that's the kind of feedback I'm getting from them</p> <p>13 concerning Rob.</p> <p>14 Q. Did anyone else make those type of complaints to</p> <p>15 you?</p> <p>16 A. Well, those are the ones that come off the top of</p> <p>17 my head. I think I made notes on those. Those</p> <p>18 should be in the notes that you have.</p> <p>19 Q. I'm just asking now. Do you recall anyone else?</p> <p>20 A. No, not off the -- I don't recall any right now,</p> <p>21 not without looking at my notes. We tried. We</p> <p>22 tried. It just. . . .</p> <p>23 Q. And then it talks about shipping and receiving</p> <p>24 paperwork.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 135</p> <p>1 guys, this is how you do it. You know, you're</p> <p>2 coming up on your 90th day, you know, you should</p> <p>3 know X-Y-Z by now and you're kind of lacking on</p> <p>4 this so here's a little bit of the training so</p> <p>5 that you understand better. Work with John. Work</p> <p>6 with maintenance. Work with the special -- the</p> <p>7 safety specialist about being more proficient in</p> <p>8 your job.</p> <p>9 So he could have tasked all those things out,</p> <p>10 and he was -- he was told or mentored to do that</p> <p>11 because that's part of showing that you're a</p> <p>12 leader and not just a doer. So. . . .</p> <p>13 Q. And do you know if he actually did task out any of</p> <p>14 these duties to anyone?</p> <p>15 A. Honestly, I don't think so because some of the</p> <p>16 complaints that we had from the mill associates</p> <p>17 that Rob didn't know what he was doing, he was in</p> <p>18 over his head, he would get mad and stomp off, he</p> <p>19 had an attitude. You know, those are the comments</p> <p>20 that, especially when you're there in person, they</p> <p>21 want to tell you everything, and then it -- that's</p> <p>22 what just kind of led up to, you know, him not</p> <p>23 being a successful production shift lead, not able</p> <p>24 to get things done.</p> <p>25 Q. Who made those complaints?</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. You say he struggled with this the entire time.</p> <p>2 What was the issue there?</p> <p>3 A. Yeah. So -- okay. The production goes into a</p> <p>4 pallet. A pallet has to have certain -- you know,</p> <p>5 the customer order needs to be a certain amount of</p> <p>6 bags, certain bag size, certain material. Okay.</p> <p>7 If you're the one that's controlling the control</p> <p>8 room, you're the ones that are putting the</p> <p>9 material in the bag, you know. You know what</p> <p>10 you're crushing. You know what you're doing. If</p> <p>11 you -- if you -- you are the one that gets the</p> <p>12 labels for those bags from the operations office,</p> <p>13 you put the labels on the bags, you wrap the bags,</p> <p>14 you put the shipping documents on the bags, and</p> <p>15 then the customer receives it overseas 60 days</p> <p>16 later and it's not -- the bag -- it's not the</p> <p>17 product or the count of what the paperwork says,</p> <p>18 something's wrong.</p> <p>19 So that happened numerous times. I mean,</p> <p>20 even simplest things, because this is why we had</p> <p>21 to get them to start taking pictures of the orders</p> <p>22 when they're being loaded in the truck and when</p> <p>23 the truck is finished, they were shipping product,</p> <p>24 finished product -- you know, it's wrapped, it's</p> <p>25 stretch wrapped, it's got the labels on it and it</p>

<p style="text-align: right;">Page 138</p> <p>1 sits in the warehouse. Well, if they don't close  2 all the windows and the doors when they go home at  3 night, the pigeons fly into the building to stay  4 warm over the evening and they defecate all over  5 the -- drops down to the production floor and  6 these guys would load the material -- the trucks  7 without cleaning all the bird droppings off of it.  8 Well, as it goes through customs overseas,  9 now they're looking at bird flu and everything  10 else. So Mr. Baumann was tasked to look at the  11 order, make sure it's correct, because you're the  12 last control of that. That's that position. You  13 know, that -- it goes right by your door. You're  14 not even taking two steps out the door to make  15 sure this works.  16 So in this, he was told to make sure the  17 paperwork is correct, make sure that the order is  18 correct, make sure it's accurate, because you're  19 the last person to touch that before the customer  20 does. And he struggled. And we had -- we had  21 numerous issues with this. I mean -- okay. In  22 another example, if the order -- if the shift lead  23 states that the order is completed, the shipping  24 department gets that notification and then they  25 call the customer and the customer coordinates the</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Okay. I think here it talks about how Mr. Baumann  2 was employed from June 16th of 2022 to April 17th  3 of 2023. Would you agree that those were his  4 employment dates?  5 A. Without looking at the time tracker or his  6 paperwork, yes, I think that's right.  7 Q. Okay. That sounds about right? Okay.  8 With regard to preventive maintenance  9 schedule, what was Baumann's role with regard --  10 what was the expected role with that? I  11 understand that that would probably be something  12 the maintenance team did. What did Baumann  13 specifically have to do with regard to that?  14 A. So as part of the progression growth for the mill  15 associates, they need to understand how the  16 machines work so that they can operate the  17 machines efficiently.  18 So the shift lead's role is to collaborate  19 with the maintenance team and update the  20 preventive maintenance schedule as tasks are  21 completed. So if we go down for maintenance, for  22 example, we only have -- preferably we'd have two  23 but we only had one most of the time -- the mill  24 associates are now tasked -- Mr. Baumann or the  25 shift lead would task that mill associate, hey,</p>
<p style="text-align: right;">Page 139</p> <p>1 truckers to show up. Okay.  2 If the truckers show up, that means that they  3 need to receive that product. So if there's 20  4 pallets that are supposed to go on a truck,  5 there's supposed to be 20 pallets getting loaded  6 on the truck.  7 There were times when Mr. Baumann had stated  8 that the order is ready. The shipping department  9 does their part, the truck shows up, and the  10 order's not ready. Now we get a dry run, and a  11 dry run means that the truck leaves from the  12 shipping yard to our location and it returns to  13 the shipping yard empty because the order's not  14 full. And the drivers won't take half orders  15 unless the BOL, the basic order -- bill of lading,  16 states it because it can look like they stole it.  17 So we -- we've got charged numerous times for  18 these dry runs because of Mr. Baumann not checking  19 that. So --  20 Q. Okay.  21 A. Explained --  22 Q. Okay.  23 A. -- you know, get the nod, I understand, I  24 understand, and it just happened again and again.  25 And it just -- it was very expensive.</p>	<p style="text-align: right;">Page 141</p> <p>1 I'm -- you know, since we're not producing, we're  2 down, I need you to go help the maintenance guy,  3 you know, do with -- whatever he tells you to do  4 to fix the machine so that we can get back up and  5 running.  6 So that maintenance person may be, you know,  7 a tool person. Go get this tool. Go get that  8 tool. You know, bring the forklift over here.  9 You know, hold this. You know, whatever the  10 maintenance guy is directing him. And that's  11 why -- and he has to collaborate with the  12 maintenance team as far as any type of preventive  13 maintenance that would be scheduled or if there's  14 any immediate breakdowns. So that way --  15 Q. Okay.  16 A. -- Mr. Baumann is planning his workload with the  17 maintenance -- preventive maintenance. Because we  18 do preventive maintenance on Wednesdays from  19 8:00 a.m. till noon, then we produce in the  20 afternoon, and then every other Friday, if we can,  21 is a full day of preventive maintenance.  22 Q. Okay.  23 A. Okay.  24 Q. I'm going to stop sharing this document and --  25 I think we previously talked about the 40</p>

<p style="text-align: right;">Page 142</p> <p>1 hours a week. Do you know if Baumann ever worked</p> <p>2 more than 40 hours per week?</p> <p>3 A. Not without looking at the schedule. We didn't</p> <p>4 run overtime or anything like that very often, so</p> <p>5 I would say it was very minuscule if any at all.</p> <p>6 Q. Okay.</p> <p>7 A. We used to offer it. We used to offer Saturdays</p> <p>8 and they -- nobody took advantage of it.</p> <p>9 Q. Okay. I'm going to show you -- I'm kind of</p> <p>10 bouncing around numbers here, but I'm going to</p> <p>11 show you what I've marked as Exhibit Number 27.</p> <p>12 (Exhibit No. 27 marked for identification.)</p> <p>13 Q. (By Ms. O'Reilly) And it looks like this is Rob</p> <p>14 Baumann's pay stubs. I can let you have control</p> <p>15 over it if you want to take a look through it. Is</p> <p>16 that correct? Is that what this is?</p> <p>17 A. Yes. I don't normally look at their pay stubs,</p> <p>18 but. . . .</p> <p>19 Q. Okay. And it's showing -- where it says</p> <p>20 "regular," the rate -- that his rate was \$20 an</p> <p>21 hour; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And was that his rate throughout his employment,</p> <p>24 do you know?</p> <p>25 A. I do believe so. I don't think -- I'd have to</p>	<p style="text-align: right;">Page 144</p> <p>1 A. It's -- it's standard. We call it --</p> <p>2 Q. And everyone gets paid at the same time?</p> <p>3 A. Yes. Yeah. We followed the same pay schedule</p> <p>4 that they had before. We didn't change anything.</p> <p>5 MS. O'REILLY: Okay. I'm going to stop</p> <p>6 sharing this document, and then I'm going to</p> <p>7 show you another document which I've marked</p> <p>8 as Exhibit 28.</p> <p>9 (Exhibit No. 28 marked for identification.)</p> <p>10 Q. (By Ms. O'Reilly) I'll share my screen and I'll</p> <p>11 give you access to this one, too.</p> <p>12 And do you know what this document is in</p> <p>13 Exhibit 28?</p> <p>14 A. I've never seen it, so I'm assuming that it's just</p> <p>15 payroll dates from 7/1 to 4/23.</p> <p>16 Q. Okay. It says "payroll details." Is this just</p> <p>17 kind of an accumulation of all of his pay dates?</p> <p>18 A. Yeah, mm-hmm. I have to assume so, yes.</p> <p>19 Q. And would this have been something you gathered</p> <p>20 from ADP to respond to discovery?</p> <p>21 A. Yes. Jordan or the bookkeeper would have gotten</p> <p>22 with them.</p> <p>23 Q. And so is this a true and accurate copy of the</p> <p>24 payroll details for Robert Baumann?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 143</p> <p>1 look back at his initial hiring paperwork. I</p> <p>2 don't think he was -- I think he was hired at \$20.</p> <p>3 Q. Okay. And did you pull these pay stubs, I guess,</p> <p>4 is what I'll call them?</p> <p>5 A. I didn't pull them specifically. It would have</p> <p>6 been either Jordan or the bookkeeper that pulled</p> <p>7 them.</p> <p>8 Q. Okay. So these would have come from your --</p> <p>9 whatever your bookkeeper system is?</p> <p>10 A. It's ADP. ADP.</p> <p>11 Q. Okay.</p> <p>12 A. Yeah.</p> <p>13 Q. So you asked them to pull these documents for us</p> <p>14 in response to discovery?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Okay. And so is this a true and accurate copy of</p> <p>17 Baumann's pay stubs?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And how often was Baumann paid? Are your</p> <p>20 employees paid, like, every week? Every other</p> <p>21 week? On certain days?</p> <p>22 A. I think it's every two weeks. I know that -- it's</p> <p>23 either every other week or every two weeks. I'm</p> <p>24 not sure the --</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. And then in here, just in a small area, I see</p> <p>2 overtime and then 3. Do you see that up at the</p> <p>3 top?</p> <p>4 A. Mm-hmm. Yeah.</p> <p>5 Q. And what does that mean?</p> <p>6 A. Yeah. So if he would have stayed late one hour,</p> <p>7 one day, you know, or three days during that pay</p> <p>8 period, you know.</p> <p>9 Q. Okay.</p> <p>10 A. Yeah. They -- so in Teams they put on their</p> <p>11 tracker -- time tracker, whatever it's called,</p> <p>12 they -- you know, the shift lead will put that he</p> <p>13 started at 8:00 and he left at 4 -- 5:30, let's</p> <p>14 just say, and that would show that there would be</p> <p>15 one hour of overtime.</p> <p>16 Q. Mm-hmm. Okay.</p> <p>17 A. That's what that is.</p> <p>18 Q. So it looks like this is kind of a cumulative</p> <p>19 document, so does that show that he only worked</p> <p>20 three hours of overtime during his employment?</p> <p>21 A. Yeah. I have to -- the way it looks, yes.</p> <p>22 Q. Okay. Does that seem right to you, that that's</p> <p>23 about the --</p> <p>24 A. Yeah.</p> <p>25 Q. -- amount of overtime he did?</p>

<p style="text-align: right;">Page 146</p> <p>1 A. Yeah, that's probably pretty accurate.</p> <p>2 MS. O'REILLY: Okay. I'm going to stop</p> <p>3 sharing this document.</p> <p>4 I'm going to show you what I have marked as</p> <p>5 Exhibit 29.</p> <p>6 (Exhibit No. 29 marked for identification.)</p> <p>7 Q. (By Ms. O'Reilly) I'll let you have control over</p> <p>8 it if you want to take a look at this.</p> <p>9 And do you know what this document is?</p> <p>10 A. Doesn't look familiar.</p> <p>11 Q. Okay.</p> <p>12 A. I mean, it could be --</p> <p>13 Q. Looks like it's --</p> <p>14 A. Yeah, it could have been something that the</p> <p>15 bookkeeper put together showing their hours.</p> <p>16 Q. It looks like it's, like, showing PTO hours.</p> <p>17 Would that be the paid time off hours?</p> <p>18 A. Yes. Yeah. It's part of their benefits.</p> <p>19 Q. Okay. So is this just, like, some sort of</p> <p>20 cumulative document showing the paid time off he</p> <p>21 used and received?</p> <p>22 A. Yeah.</p> <p>23 Q. And do you know if he had any paid time off left</p> <p>24 over when he was terminated? Does that document</p> <p>25 show that at all?</p>	<p style="text-align: right;">Page 148</p> <p>1 hired him. It was more -- I -- if I remember</p> <p>2 correctly, Christine interviewed him and she liked</p> <p>3 him. You know, she liked the way that he talked</p> <p>4 and --</p> <p>5 Q. And do you know if you would have been involved in</p> <p>6 his employment decision, the employment decision</p> <p>7 to hire Baumann?</p> <p>8 A. I -- no, I took her word for it. She was the</p> <p>9 operations manager.</p> <p>10 MS. O'REILLY: Okay. I'm going to stop</p> <p>11 sharing this document, and I think this might</p> <p>12 be a good time to take a break. Do we want</p> <p>13 to take, like, a 30-minute break so everyone</p> <p>14 can grab lunch and meet back?</p> <p>15 THE WITNESS: Yeah.</p> <p>16 MS. O'REILLY: Does that work? Okay.</p> <p>17 So maybe come back at 12:45 p.m. Central?</p> <p>18 THE WITNESS: Okay.</p> <p>19 MS. O'REILLY: Does that work for</p> <p>20 everyone? Okay. We can go off the record</p> <p>21 and we can be back then. Thank you.</p> <p>22 (A recess was taken from 12:12 p.m.</p> <p>23 until 12:48 p.m.)</p> <p>24 Q. (By Ms. O'Reilly) I want to go back to something</p> <p>25 I think you mentioned earlier. You mentioned you</p>
<p style="text-align: right;">Page 147</p> <p>1 A. He was paid out, if he was.</p> <p>2 Q. Okay. Okay.</p> <p>3 A. Yeah.</p> <p>4 Q. All right. I'm going to stop sharing this</p> <p>5 document.</p> <p>6 A. You know how it is. They're not required to pay</p> <p>7 it out but we -- we always pay it out.</p> <p>8 MS. O'REILLY: Okay. I'm going to show</p> <p>9 you a document I have marked as Exhibit, let</p> <p>10 me see, 30. I'll share that with you.</p> <p>11 (Exhibit No. 30 marked for identification.)</p> <p>12 Q. (By Ms. O'Reilly) And this document -- do you</p> <p>13 know what this document is?</p> <p>14 A. Yeah, looks like an initial employment offer</p> <p>15 letter.</p> <p>16 Q. Okay. And do you know --</p> <p>17 A. Yeah.</p> <p>18 Q. Would you have prepared this document?</p> <p>19 A. Yes.</p> <p>20 Q. And was this document given to Baumann?</p> <p>21 A. I don't know if it was emailed to him or if it was</p> <p>22 handed to him when he first started.</p> <p>23 Q. And do you recall why Mr. Baumann was hired?</p> <p>24 A. Why he was hired? I think he was -- I'd have to</p> <p>25 look back at his resume and see the reasons why we</p>	<p style="text-align: right;">Page 149</p> <p>1 did quarterly or annual performance reviews. Do</p> <p>2 you recall that?</p> <p>3 A. That is our plan, yes. How we got there, no.</p> <p>4 Q. Did you do any quarterly or annual performance</p> <p>5 reviews with Baumann?</p> <p>6 A. Yes.</p> <p>7 Q. And when did you do those?</p> <p>8 A. They were verbal so they wouldn't have been</p> <p>9 documented.</p> <p>10 Q. Do you know when those were?</p> <p>11 A. Not off the top of my head, no.</p> <p>12 Q. Did you do more than one?</p> <p>13 A. Yes. He was counseled numerous times.</p> <p>14 Q. As part of the formal performance review, how many</p> <p>15 of those did you do?</p> <p>16 A. Part of his formal performance reviews? Not</p> <p>17 without looking back through my notes. You have</p> <p>18 those notes.</p> <p>19 Q. Do you know if you did any formal performance</p> <p>20 reviews like you were talking about, like a</p> <p>21 quarterly one or an annual one?</p> <p>22 A. No. The turnover was too high.</p> <p>23 Q. So you didn't do any of those with Baumann, then.</p> <p>24 A. No, the written, formal performance reviews, as</p> <p>25 you're asking, they were not written.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q. Did you do any sort of, like, a verbal performance 2 review going over -- 3 A. Yes. 4 Q. -- his entire performance? 5 A. Mm-hmm. 6 Q. Okay. 7 A. I did -- I don't remember the last time that I was 8 actually there when Mr. Baumann was there, but 9 that was one of them because it was done in 10 control -- that was done in the control room, in 11 his office area, I guess you could say, workplace 12 area. I don't know what date that was, to be 13 honest with you. 14 Q. And what would you have gone over at that review? 15 A. I know we talked about getting production done 16 because he wasn't getting it done, accurately 17 recording what was in the production spreadsheet, 18 having his people growing and learning because 19 that was one of the complaints that Mr. Williams 20 had was that he was -- he didn't feel that 21 Mr. Baumann was helpful at all in his progression. 22 And then you've seen the chats from Mr. Hoover 23 about Mr. Baumann's attitude, so the attitude 24 would have been talked about. 25 That's -- I mean, it wasn't, like, a</p>	<p style="text-align: right;">Page 152</p> <p>1 MSHA, we needed to fix the problem and Mr. Baumann 2 just happened to be part of that problem. 3 Q. So the MSHA citations played a part in his 4 termination? 5 A. The not instructing the guys as far as the proper 6 guarding of the machines, because we didn't know 7 if he was doing the workplace exams, you know, 8 fitting them, just pencil whipping them, or if he 9 was actually doing them because how could he -- if 10 you're reporting that everything is good and all 11 the guards are on and everything else and then the 12 inspector comes in a little bit later and we get 13 citations, how is that? Something's not working 14 right. 15 So -- and trying to find out, you know, then 16 catching an attitude with, you know, the 17 management side when he gets questioned about 18 those citations just makes it that much -- that 19 much more harder. So not necessarily -- 20 Q. At that time -- 21 A. -- citations were the problem, you know, it was 22 just an overall everything. 23 Q. And at that time I believe you had mentioned there 24 was a safety person who was in charge of MSHA 25 complaints; is that right?</p>
<p style="text-align: right;">Page 151</p> <p>1 documented time line or an outline of what we 2 talked about. It was really just about, Come on, 3 man, you've been here long enough to know what 4 you're doing. You really should be starting to 5 help people learn the control room. 6 And I think he started after that 7 conversation of having the mill associates come in 8 the control room and started learning it, but I'm 9 not sure 100 percent on that. 10 So that conversation that him and I did have, 11 that -- what I consider counseling with him did 12 change his demeanor and -- for a short period of 13 time, at least, and he tried to take what was said 14 to him and do something with it, I guess. 15 Q. And now I want to talk about Mr. Baumann's 16 termination. 17 A. Mm-hmm. 18 Q. First I just want to know, who are the people that 19 participated in the decision to terminate Baumann? 20 A. That would have been Jordan and myself. In the 21 conversations we had with John, I mean, it -- you 22 know, it could have been -- led up to whatever, 23 but looking at the actual data and the reporting 24 and then the counseling that we were doing with 25 him and the citations that we were receiving from</p>	<p style="text-align: right;">Page 153</p> <p>1 A. I'd have to look back because I know Jessie Molesi 2 I think was there at the same time that 3 Mr. Baumann was. So they would have -- they would 4 have been collaborating as far as -- or at least 5 Mr. Baumann should have been collaborating with 6 the safety person as far as what, where and how to 7 resolve them and where the training needs to be 8 done, stuff like that. 9 Q. And was Molesi terminated for the MSHA 10 citations -- 11 A. No. 12 Q. -- and the safety -- 13 A. Molesi -- Molesi wasn't terminated. He quit. He 14 moved. 15 Q. Was he disciplined for the MSHA citations? 16 A. Was he disciplined? He was counseled. He wasn't 17 there very long. 18 Q. I'm just trying to get -- you said, you know, 19 Baumann, some of issues were, you know, being out 20 of compliance, but there was also someone above 21 him that was in charge of safety. So did anything 22 happen to Jessie Molesi as a result of those 23 issues? 24 A. Yes. Yeah. Molesi was counseled just like 25 Mr. Baumann was.</p>



<p style="text-align: right;">Page 154</p> <p>1 Q. Do you know when was the day that you decided to 2 terminate Baumann?</p> <p>3 A. It was probably a day or so before he was 4 terminated because it's something that we had been 5 talking about for well over -- months, because 6 Christine -- if I remember correctly, Christine 7 was the one that originally brought that thought 8 process that Mr. Baumann wasn't a very good 9 choice. And I think that's mentioned in one of my 10 notes.</p> <p>11 Q. And when you say "months," about how many months 12 had you been considering terminating him?</p> <p>13 A. Again, the notes that I've taken would have that 14 initial date wherein she said that he probably 15 needs to be let go. So from that point forward.</p> <p>16 But, yeah, I think we went through operations 17 managers and safety people and mill associates. I 18 mean, we went through a lot of mill associates. 19 So --</p> <p>20 Q. Okay.</p> <p>21 A. And it correlates to -- if you think about the 22 messaging that I've shared with you about Jim 23 Hoover's, Jim was a senior guy so his -- his input 24 affected a lot about what was going on with 25 Mr. Baumann.</p>	<p style="text-align: right;">Page 156</p> <p>1 us able to pay employees. Now, if they're doing 2 their job completely, working with the other 3 teammates, working with operations, working with 4 safety, we wouldn't be having these MSHA issues 5 either.</p> <p>6 So -- and from what I understand, a lot of 7 these MSHA inspections were based off anonymous 8 phone calls. Well, are those anonymous phone 9 calls from Mr. Hoover complaining to MSHA because 10 of Baumann? I don't know but that's what we just 11 have to assume because Mr. Baumann -- or 12 Mr. Hoover is -- was very expressive about his 13 discomplaint with Mr. Mr. Baumann.</p> <p>14 The same with Mr. Ronnell Fondren. He was 15 very expressive about his dislike for Mr. Baumann.</p> <p>16 So, you know, we have to take in 17 consideration of, you know, people -- multiple 18 people telling us the same story, not just one 19 person. So it was accumulation over time and 20 actions by Mr. Baumann that led up to his 21 termination, not one thing specific. His 22 performance is really what caused it. So. . . .</p> <p>23 Q. You mentioned some anonymous phone calls. Was 24 there concerns that Baumann was causing other 25 miners to make MSHA complaints?</p>
<p style="text-align: right;">Page 155</p> <p>1 So, you know, if Jim -- Mr. Hoover's telling 2 me that, you know, Mr. Baumann doesn't know what 3 he's doing and he's not doing things right, Jim 4 being the senior guy there, I really got to look 5 to Jim to say, Okay. Well, this guy knows more 6 about it than the operations. Operations just has 7 the authority to terminate someone where, you 8 know, we have to take into consideration the 9 person that has longevity. So even though 10 Mr. Hoover was not in the management position. 11 So. . . .</p> <p>12 Q. I believe you had previously discussed that 13 Baumann was terminated on April 17th of 2023. 14 What was the -- what was the impetus to do it 15 then? Why, after all these months, why then?</p> <p>16 A. It was good -- it was -- like I said before, if we 17 look back on the number of citations and the -- 18 and the production schedule that we were getting 19 done, Mr. Baumann wasn't able to get things done 20 and we needed to fix the problem; otherwise, we're 21 going to keep running into these same issues with 22 MSHA, but also the company's going to fail because 23 we're not getting any production done.</p> <p>24 So it was always about production because 25 production's what makes money which is what makes</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Was that a complaint of mine? Is that what 2 you're --</p> <p>3 Q. Was that a concern of yours?</p> <p>4 A. No. No. I just -- I come from an OSHA 5 background, like we talked about earlier. So, to 6 me, MSHA is supposed to be there to help us make 7 sure that everybody is doing things safely. So 8 I've always preached to our guys at the very 9 beginning who are dealing with certain MSHA 10 inspectors that MSHA's here to help us. You can 11 see it all in my chats. They're here to help us. 12 So there was never any concern that MSHA's back 13 again. No. MSHA's doing their job.</p> <p>14 So to have people complain about one of our 15 employees is the concern. The operations, not 16 getting product done, getting product out the door 17 wrong, so forth, we've got to fix the problem, and 18 that's -- he was the problem.</p> <p>19 Q. And were there any new issues with production in 20 April of 2023 that kind of led to you deciding to 21 fix the problem at that time?</p> <p>22 A. Well, like I said, it was accumulation. It's not 23 just a one-time event.</p> <p>24 Q. I guess I'm just trying to understand -- you know, 25 it seems like there was accumulation in March, and</p>

<p style="text-align: right;">Page 158</p> <p>1 maybe there would have been accumulation from what 2 you're saying in January. So what was different 3 about the accumulation in April versus any other 4 time? 5 A. Yeah, I mean, it's just timing. Everything built 6 up. Like I said, I don't have anything against, 7 you know, Mr. Baumann or Mr. Hoover or anybody 8 personally; it's just we've got to make sure that 9 operations is done. We've got to get product out 10 the door. The business had to make money, and if 11 you're not assisting in that, doing your job that 12 you were hired to do, we've got to terminate you. 13 It had nothing to do with MSHA. That's why I 14 don't understand the whole complaint of 15 discrimination, which we haven't really talked 16 about yet. 17 Q. I'm going to pull up a document, Exhibit 20, which 18 we -- oh. Exhibit 20, which we've looked at 19 before. Share that with you and I'll let you have 20 control over it, too, if you want to. 21 And I was going to ask specifically about 22 interrogatory number 5. I can scroll to that. 23 Okay. Interrogatory number 5 here says: Set 24 forth the reasons Robert Baumann was terminated, 25 who participated in the decision to terminate</p>	<p style="text-align: right;">Page 160</p> <p>1 to review those notes, I can't tell you what's 2 missing from the document. 3 Q. Well, I'm asking what notes would you -- are you 4 talking about? 5 A. Well, all the chats, all the notes that I've taken 6 off that -- my note pad, just everything that's 7 dealing with Mr. Baumann. 8 Q. So there are reasons other than the reasons that 9 you listed here in this interrogatory that Baumann 10 was terminated? Is that what you're saying? 11 A. Yeah. Just like it states, the principles for 12 termination. Mr. Baumann's termination was the 13 result of several factors, including but not 14 limited to. So we added the documentation that we 15 have here. If we're looking for more than what's 16 here, I would need to know the notes and to be 17 able to read through those and decipher the time 18 lines, the events, everything. 19 Q. Okay. And I guess what I'm asking is when you're 20 saying "notes," what are you referring to? Like a 21 specific document or are you referring to -- 22 A. No. No, I'm not stating a specific document. I'm 23 stating everything that deals with Mr. Baumann. 24 Q. Okay. So today you can't -- you can't give me any 25 more information about the reasons Baumann was</p>
<p style="text-align: right;">Page 159</p> <p>1 Robert Baumann, and the date such decision was 2 made. Do you see that? 3 A. Yes. 4 Q. Okay. And you listed here some information, and 5 then said principles for termination, and then had 6 some bullet points. Do you see that? 7 A. Mm-hmm. 8 Q. And then some more detail, looks like, as well. 9 A. Yes. 10 Q. Looking through this, does this include all of the 11 reasons that Baumann was terminated? 12 A. No. 13 Q. Okay. Could you let me know what's missing from 14 here as a reason of why Mr. Baumann was 15 terminated? 16 A. Without having -- I'm sorry. I didn't mean to 17 interrupt you, but without having all the 18 documentation behind it, I can't answer that 19 question. 20 Q. And what do you mean by that? 21 A. All of my notes, everything. 22 Q. What of your notes would help you answer the 23 question of what are the other reasons that 24 Baumann was terminated? 25 A. Again, without having those notes and being able</p>	<p style="text-align: right;">Page 161</p> <p>1 terminated other than what's listed in here? 2 A. Only reason is because you said I couldn't read my 3 notes. If I had everything, I could go into more 4 details but I don't have those details. 5 Q. Okay. So sitting right here, without any other 6 documents, you can't give me any other reasons why 7 Baumann was terminated than the ones listed here? 8 A. Yes. There were several factors, including but 9 not limited to what's listed in the document. 10 MS. O'REILLY: Okay. I'm going to stop 11 sharing. 12 I'm going to pull up another document which 13 I've marked as Exhibit 23. 14 (Exhibit No. 23 marked for identification.) 15 Q. (By Ms. O'Reilly) And then I will let you look at 16 this. Well, do you know what these documents are? 17 A. Looks like an email from me to Mr. Dillingham. 18 Q. And just to confirm for the record, your email 19 address is RTidaback@deedyco.com? 20 A. Yes. That's one of the many mailboxes I manage. 21 Q. And so if these emails -- if it's from that email 22 address, they're coming from you; is that correct? 23 A. Yes. 24 Q. Okay. And what is Deedyco? 25 A. Deedyco is another entity that we own.</p>

<p style="text-align: right;">Page 162</p> <p>1 Q. Okay.</p> <p>2 A. A professional employment organization.</p> <p>3 Q. I think earlier I'd asked some other companies</p> <p>4 that you owned and you didn't list this one. So</p> <p>5 are there any others other than Deedyco and</p> <p>6 Omphalos?</p> <p>7 A. Deedyco has nothing to do with Omphalos.</p> <p>8 Q. You, as a person, what other companies do you own?</p> <p>9 You own Deedyco and Omphalos. Are there others?</p> <p>10 A. Deedyco is really just a shell organization that</p> <p>11 we have our IT -- Microsoft 365 domain in. That's</p> <p>12 why they manage our mail.</p> <p>13 Q. Do you own any other companies?</p> <p>14 A. No.</p> <p>15 Q. And then are these true and accurate copies of</p> <p>16 emails that you've sent to either Michael</p> <p>17 Dillingham or whoever the person was that was</p> <p>18 listed in the "to" column?</p> <p>19 A. Yes, that appears to be correct.</p> <p>20 MS. O'REILLY: Okay. I'm going to stop</p> <p>21 sharing this document. I'm going to pull up</p> <p>22 a document which I've marked as Exhibit</p> <p>23 Number 24. I'll share my screen and give you</p> <p>24 control as well.</p> <p>25 (Exhibit No. 24 marked for identification.)</p>	<p style="text-align: right;">Page 164</p> <p>1 Is that common practice?</p> <p>2 A. Yeah. You know, we try to, because that way if</p> <p>3 they have questions or anything, they can ask.</p> <p>4 And they have -- they've all got my phone number</p> <p>5 so they can contact me directly, but we try to</p> <p>6 provide it so that it's open that they can</p> <p>7 communicate, talk to us, whatever the issues are.</p> <p>8 But obviously, if they're going to be terminated,</p> <p>9 it's not -- it's because they've been talked to</p> <p>10 before over and over and over and over. So. . . .</p> <p>11 Q. Okay. I'm going to stop sharing this document.</p> <p>12 How many employees does American Tripoli</p> <p>13 usually have?</p> <p>14 A. So typically we'll have operations, safety, then</p> <p>15 we have the shift lead, then we'll have either</p> <p>16 three or four mill associates, so let's just say</p> <p>17 four, and then one quarry person. So what's that,</p> <p>18 eight people? That's pretty much average. Eight?</p> <p>19 Q. Okay.</p> <p>20 A. Sorry.</p> <p>21 Q. And I think that you had mentioned earlier that</p> <p>22 you've had some issues with employee retention; is</p> <p>23 that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And what are those issues?</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. (By Ms. O'Reilly) Do you know what this document</p> <p>2 is?</p> <p>3 A. Yeah. It appears to be Mr. Baumann's termination</p> <p>4 letter.</p> <p>5 Q. And who drafted this document?</p> <p>6 A. It's -- me.</p> <p>7 Q. And when was this written?</p> <p>8 A. It appears the 17th at 9:00 a.m. April 17th,</p> <p>9 2023, 9:00 a.m.</p> <p>10 Q. So 9:00 a.m. would be the time that this was</p> <p>11 drafted? Is that what your understanding of why</p> <p>12 the time is in there?</p> <p>13 A. Yeah, I would assume so.</p> <p>14 Q. And do you know if this letter was provided to</p> <p>15 Mr. Baumann?</p> <p>16 A. Yes. Mr. Spears, if I'm not mistaken, handed it</p> <p>17 to Mr. Baumann.</p> <p>18 Q. And did you instruct Mr. Spears to do that?</p> <p>19 A. Yes. That's normally how we do things. To assist</p> <p>20 Mr. Spears, I will type it up, send it to him, and</p> <p>21 then have him hand it to the person that's been</p> <p>22 terminated.</p> <p>23 Q. And then why did you create this letter?</p> <p>24 A. We were looking to terminate Mr. Baumann.</p> <p>25 Q. I guess, do you always do a termination letter?</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Well, the rest of the United States is having the</p> <p>2 employment issues as well. One, finding qualified</p> <p>3 people that have any type of experience; two,</p> <p>4 people that are not job-hoppers that have held</p> <p>5 employment more than 30 days or 60 days, 90 days;</p> <p>6 and then based on experience. That's not even</p> <p>7 including any type of MSHA experience. Nobody --</p> <p>8 I don't think I've -- I think there was maybe one</p> <p>9 person that had MSHA experience that we've either</p> <p>10 hired or interviewed. I'm not sure.</p> <p>11 Q. And you mentioned about eight employees. Is that</p> <p>12 what you would consider being fully staffed?</p> <p>13 A. Yes. If we had the eight people, then we would be</p> <p>14 fully staffed.</p> <p>15 Q. And how often do you have the eight employees?</p> <p>16 A. I don't think we've had eight -- I don't think</p> <p>17 we've had eight people more than 30 days.</p> <p>18 Q. In a row?</p> <p>19 A. In a row.</p> <p>20 Q. Is that what you mean?</p> <p>21 A. Correct, in a row.</p> <p>22 Q. And does that affect things like production, like</p> <p>23 the ability to produce at the rates you want to</p> <p>24 produce at?</p> <p>25 A. Well, it just depends on the position, because if</p>



<p style="text-align: right;">Page 166</p> <p>1 the safety person's not there, that means John's</p> <p>2 got to pick up their tasking. If maintenance</p> <p>3 isn't there, John's got to take on that tasking.</p> <p>4 You know, the mill associates we've been</p> <p>5 fairly lucky with at -- which is one of the</p> <p>6 reasons why we don't understand not being able to</p> <p>7 get production out if we're able to run because if</p> <p>8 there's the three people there and the shift lead,</p> <p>9 that's four people to run the operations. And in</p> <p>10 the mill, you really only need two mill associates</p> <p>11 and the shift lead. So, yeah, that's -- that's</p> <p>12 been the problem.</p> <p>13 The third -- the third -- we consider the</p> <p>14 mill associates three minimum because two can do</p> <p>15 the job and one is the backup just in case takes</p> <p>16 lunch or, you know, is out sick or whatever. The</p> <p>17 fourth is just an extra backup backup that can</p> <p>18 assist maintenance. So that's the whole thing.</p> <p>19 Q. Okay. I'm going to show you Exhibit 20 again.</p> <p>20 I'll share my screen and I'll let you have</p> <p>21 control.</p> <p>22 I'm going to go specifically to page 10 of</p> <p>23 Exhibit 20, and this interrogatory number 6 says:</p> <p>24 Identify by name, job title, job duties, dates of</p> <p>25 employment, phone number, email address and home</p>	<p style="text-align: right;">Page 168</p> <p>1 reason that you had to go through 37 employees</p> <p>2 during his employment?</p> <p>3 A. Some of them, yes.</p> <p>4 Q. Which ones?</p> <p>5 A. Well, I have -- for example, I know Camrin Bindel.</p> <p>6 He didn't -- he did not talk highly of</p> <p>7 Mr. Baumann.</p> <p>8 Jeff? If I remember right, Jeff and Rob had</p> <p>9 issues. I think they actually got into a argument</p> <p>10 match.</p> <p>11 Juan Trujillo I don't remember.</p> <p>12 Christine obviously told us that she thought</p> <p>13 Rob needed to go a long time ago.</p> <p>14 Hold on. Let me back up. Maybe I'm</p> <p>15 mistaken. Camrin. Camrin? Was it Camrin? Okay.</p> <p>16 So Jubil -- I might be mistaking Jubil and Camrin,</p> <p>17 but one of them -- I don't remember too much about</p> <p>18 Jubil, but he would have complained about Rob.</p> <p>19 Bonnie? Bonnie Bainter, she complained about</p> <p>20 Rob. She had leadership experience. She had</p> <p>21 management experience in safety in Dallas, and</p> <p>22 she -- if I remember correctly, she even counseled</p> <p>23 Rob verbally, you know, trying to help him out.</p> <p>24 I'm trying to help him. And he just -- it didn't</p> <p>25 take.</p>
<p style="text-align: right;">Page 167</p> <p>1 address each individual employed by Respondent at</p> <p>2 MOSenecaManufacturer LLC, d/b/a American Tripoli</p> <p>3 Mine from June 1, 2022, through April 17th, 2023,</p> <p>4 and then you provided a list of employees. I'm</p> <p>5 just kind of scrolling through them now just --</p> <p>6 and it looks like there would have been --</p> <p>7 A. Crazy.</p> <p>8 Q. -- 37 employees in that time period? Does that</p> <p>9 sound right?</p> <p>10 A. Pretty close, yeah.</p> <p>11 Q. Okay. Is that pretty common to go through that</p> <p>12 many employees in that time period?</p> <p>13 A. Lord, I hope not.</p> <p>14 Q. Has it been your experience -- has that been</p> <p>15 common with American Tripoli?</p> <p>16 A. No, not actually.</p> <p>17 Q. Okay.</p> <p>18 A. That's -- that's kind of why we relate it back to,</p> <p>19 Is it some of Rob? Some of -- is this turnover</p> <p>20 because of Mr. Baumann? You know, that's --</p> <p>21 that's part of the troubleshooting and trying to</p> <p>22 figure out. Got to fix the problem and I think we</p> <p>23 have fixed the problem by terminating Mr. Baumann.</p> <p>24 One of the problems.</p> <p>25 Q. So your concern that Baumann may have been the</p>	<p style="text-align: right;">Page 169</p> <p>1 Let's see here. I don't remember Josh Bird.</p> <p>2 Let me see here. Carson? No, I don't remember</p> <p>3 Carson.</p> <p>4 Landry was another one. He was a tall --</p> <p>5 very tall guy. He didn't really care for</p> <p>6 Mr. Baumann either. Didn't say good things about</p> <p>7 him, should I say.</p> <p>8 Q. I guess what I'm asking is, you said maybe Baumann</p> <p>9 was the reason that you went through so many</p> <p>10 employees. So are you trying to say that any of</p> <p>11 these employees who complained about him might</p> <p>12 have --</p> <p>13 A. Yes.</p> <p>14 Q. -- quit or been terminated because of Baumann?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And what is the basis for that?</p> <p>17 A. Based on their conversations, because we didn't --</p> <p>18 Q. Did any of these people tell you they quit because</p> <p>19 of Baumann?</p> <p>20 A. Did they say that they quit because of Baumann?</p> <p>21 Not -- not directly, no.</p> <p>22 Let's see here. Because there's -- there's</p> <p>23 other guys in here that talked to me specifically</p> <p>24 about -- Gage Wheeler's another one. You know, he</p> <p>25 did not -- he did not like Baumann.</p>

<p style="text-align: right;">Page 170</p> <p>1 Q. What was Wheeler's problem with Baumann?</p> <p>2 A. He was a maintenance guy and he said that Baumann</p> <p>3 was lazy. He would not help with maintenance.</p> <p>4 Ron -- Ronnell Fondren. If I'm not mistaken,</p> <p>5 Ronnell Fondren said that Rob was racist because</p> <p>6 of what he was tasking Ronnell to do instead of</p> <p>7 sharing the workload with all the other mill</p> <p>8 associates. So Ronnell -- if you want to talk</p> <p>9 with someone that would -- probably going to talk</p> <p>10 bad about Rob, it would probably be Ronnell.</p> <p>11 Yeah, I don't remember any of those guys.</p> <p>12 Yeah.</p> <p>13 Q. I'm going to kind of back up a little bit and go</p> <p>14 back through some of these just to get some -- a</p> <p>15 little more information about these.</p> <p>16 So starting with Frank Duran, it looks like</p> <p>17 he was actually terminated or quit before Baumann</p> <p>18 started; is that correct?</p> <p>19 A. Mm-hmm.</p> <p>20 Q. Okay. And why did he leave, do you know?</p> <p>21 A. It was actually a conflict of him telling the mill</p> <p>22 associates that he was going to do it his way</p> <p>23 rather than the company's way, and of course we</p> <p>24 can't have that. We've got to be safe in what</p> <p>25 we're doing.</p>	<p style="text-align: right;">Page 172</p> <p>1 Neosho, which was the town he was from if I</p> <p>2 remember. Yeah. Neosho.</p> <p>3 Roger Chester --</p> <p>4 Q. Sorry. I was going to have a question.</p> <p>5 A. Yeah.</p> <p>6 Q. Did you have any issues with Jeff Willis while he</p> <p>7 was employed?</p> <p>8 A. Did I have any issues with Mr. Willis. I don't</p> <p>9 say we had any issues. You know, he had a</p> <p>10 different opinion on things and nothing -- nothing</p> <p>11 negative. I would hire him back if that was ever</p> <p>12 the case, yeah.</p> <p>13 Q. So you didn't have any major concerns about his</p> <p>14 work performance?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 A. No. I mean, there were certain things, I mean,</p> <p>18 but nothing -- yeah.</p> <p>19 Q. Okay. Roger Chester. Do you know why he left?</p> <p>20 A. Yep. He had 30-plus years there and he was</p> <p>21 looking to retire and he went and found another</p> <p>22 job.</p> <p>23 Q. Okay. And did you have any issues with his work</p> <p>24 performance while he was there?</p> <p>25 A. No. No. I think Roger was just -- I mean, he'd</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. So did you terminate him?</p> <p>2 A. Oh, yes.</p> <p>3 Q. Okay. And then Camrin Bindel. Why did Camrin</p> <p>4 leave?</p> <p>5 A. Yeah, I don't -- I don't remember. I'd have to go</p> <p>6 back and look because I'm trying -- I'm getting --</p> <p>7 I think I'm getting Camrin and Jubil Clark mixed</p> <p>8 together. Oh, no, no, no. Hold on. Camrin, if I</p> <p>9 remember correctly -- if I remember correctly,</p> <p>10 Camrin stabbed Jubil in the leg with a needle --</p> <p>11 pair of needle nose pliers in the bathroom, if I</p> <p>12 remember that correctly.</p> <p>13 Q. Okay.</p> <p>14 A. Now, I don't remember if it broke skin or not</p> <p>15 because Bonnie -- Bonnie was there and Bonnie</p> <p>16 handled all that. So I don't really remember --</p> <p>17 Bonnie and Christine.</p> <p>18 Q. Okay.</p> <p>19 A. And so that's -- if I remember that correctly,</p> <p>20 Camrin was terminated because he attacked another</p> <p>21 employee.</p> <p>22 Q. Yeah. Okay.</p> <p>23 A. Yeah. So -- Jeff.</p> <p>24 Q. And then Jeff -- yeah.</p> <p>25 A. Jeff Willis, he quit. He found another job in</p>	<p style="text-align: right;">Page 173</p> <p>1 been there so long and set in his ways. You know,</p> <p>2 he didn't like getting approvals for purchases and</p> <p>3 stuff like that. That would be the only thing he</p> <p>4 ever complained to me about. Yeah, he did his</p> <p>5 job. I wish he was still there but. . . .</p> <p>6 Q. Who approves purchases at American Tripoli?</p> <p>7 A. That would be the operations manager, and based</p> <p>8 on -- dependent on the amount. They have -- John</p> <p>9 has a credit card. I think -- I don't think Josh</p> <p>10 has one, but John's got a credit card to purchase</p> <p>11 things.</p> <p>12 Q. Up to what level can John purchase things?</p> <p>13 A. I don't know. I'd have to check on the limit that</p> <p>14 he has.</p> <p>15 Q. Is there a certain amount that you would expect</p> <p>16 him to consult with you first?</p> <p>17 A. No. I mean, we talk about everything anyhow so</p> <p>18 it's not -- it's not a certain amount, no.</p> <p>19 Q. And then Juan Trujillo. Do you know why he left?</p> <p>20 A. I think, if I remember correctly, he found other</p> <p>21 employment because he was looking for something</p> <p>22 during the day and at the time we had him at</p> <p>23 night.</p> <p>24 Q. Okay.</p> <p>25 A. If I --</p>

<p style="text-align: right;">Page 174</p> <p>1 Q. Did you have any concerns about -- did you have</p> <p>2 any concerns with his work performance?</p> <p>3 A. No.</p> <p>4 Q. And then Christine Schreiber. Why did she leave?</p> <p>5 A. If I remember right, she was going through</p> <p>6 relationship issues and moving closer to her</p> <p>7 family in Arkansas, if I remember correctly.</p> <p>8 Q. And did you have any concerns with her work</p> <p>9 performance while she was there?</p> <p>10 A. Yes and no. You know, she didn't have -- just</p> <p>11 like we talked about before, she didn't have</p> <p>12 manufacturing experience and leading a team of</p> <p>13 men, as she said. I remember her saying that, but</p> <p>14 yeah. She was just moving on. Wasn't</p> <p>15 anything. . . .</p> <p>16 Q. And then I think we talked at Jubil Clark. Do you</p> <p>17 recall why Jubil left the company?</p> <p>18 A. Yeah, I don't -- I don't remember Jubil Clark.</p> <p>19 Q. And then Cheri Blount. It looks like</p> <p>20 administrative assistant. Would she have been</p> <p>21 a -- is that a direct employee of American</p> <p>22 Tripoli, an administrative assistant?</p> <p>23 A. Yeah. We don't have that role anymore. She found</p> <p>24 a job closer to her home so she wanted to stay</p> <p>25 home. Yeah. She quit, basically.</p>	<p style="text-align: right;">Page 176</p> <p>1 that job and you train someone that can replace</p> <p>2 you, then we can move you to be a quarry manager.</p> <p>3 But right now, we need you to do your job. So</p> <p>4 that was the reason why she quit. She got mad</p> <p>5 because we wouldn't move her to the quarry</p> <p>6 manager.</p> <p>7 Q. Did you have concerns with her work performance in</p> <p>8 the role she had?</p> <p>9 A. No, I think she was a good employee. I think</p> <p>10 her -- just got to her.</p> <p>11 Q. And then Angela Shafer?</p> <p>12 A. Yes. She had --</p> <p>13 Q. Looks like production.</p> <p>14 A. Yes, ma'am. She was our shipping coordinator.</p> <p>15 She had personnel issues. She was -- her and</p> <p>16 Jessie Hodge, if I remember correctly, they were</p> <p>17 married but I don't think they changed names. But</p> <p>18 anyhow, they were taking care of an elderly</p> <p>19 neighbor and that elderly neighbor was needing</p> <p>20 home care and Angela was just in that -- you know,</p> <p>21 the -- what's it called? The probationary period.</p> <p>22 And we needed her to come in to learn the system</p> <p>23 and she couldn't.</p> <p>24 So she basically, I can't come in. You know,</p> <p>25 You're going to have to let me work from home.</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. And what -- you don't have that role anymore.</p> <p>2 Does somebody else do those kind of job duties of</p> <p>3 an administrative assistant? What's the reason</p> <p>4 for not having that?</p> <p>5 A. Yeah, if John needed an assistant--we've offered</p> <p>6 that before--and he said it's -- not yet. John's</p> <p>7 very -- to me, John's very smart as far as</p> <p>8 operation's concerned and trying to keep</p> <p>9 production moving and costs down. He's a very --</p> <p>10 very intelligent guy.</p> <p>11 Q. Okay. And then Bonnie Bainter.</p> <p>12 A. Yeah.</p> <p>13 Q. Why did she leave?</p> <p>14 A. Bonnie Bainter. That's a great story. Bonnie,</p> <p>15 she quit because she wanted to be the quarry</p> <p>16 manager. Basically she wanted to replace Roger</p> <p>17 Chester. But, again, as we explained to her, we</p> <p>18 hired her and we need her in the safety role</p> <p>19 rather than being a quarry manager because she's</p> <p>20 never worked in a quarry. She doesn't know how to</p> <p>21 operate heavy equipment. She had taken the CDL</p> <p>22 test and she failed it, which we paid for, but</p> <p>23 that was -- that was her thing.</p> <p>24 We kept telling her: Just stay in the job</p> <p>25 that we hired you to do, and then as you learn</p>	<p style="text-align: right;">Page 177</p> <p>1 Well, we need you here for the training part.</p> <p>2 We need you to hear to understand all the</p> <p>3 questions and how to do things and see what's</p> <p>4 right before we just let you work from home. So</p> <p>5 she basically said, Well, if I can't work from</p> <p>6 home, I'm going to have to quit. So it was kind a</p> <p>7 mutual thing.</p> <p>8 Q. And do you currently have the role of a production</p> <p>9 shipping coordinator?</p> <p>10 A. We have a contractor do that, yes. It's</p> <p>11 outsourced.</p> <p>12 Q. Okay. And then Joshua Bird. Do you know why he</p> <p>13 left?</p> <p>14 A. I don't really remember Joshua Bird.</p> <p>15 Q. Okay. William Shallenburger. Do you recall why</p> <p>16 he left?</p> <p>17 A. No, I don't remember Shallenburger.</p> <p>18 Q. And Jessie Hodge. Do you recall why he left?</p> <p>19 A. He was maintenance. He -- yeah. He was Angela's</p> <p>20 husband and he was spending more time dealing with</p> <p>21 that neighbor than he was coming to work.</p> <p>22 Q. So was he terminated?</p> <p>23 A. I don't know if he was terminated or if he quit.</p> <p>24 I'd have to look back at the documents. I know he</p> <p>25 had issues with Carson and Terry Newburn, too. So</p>

<p style="text-align: right;">Page 178</p> <p>1 I think it was kind of a mutual thing. I don't</p> <p>2 know if he was terminated or not.</p> <p>3 Q. Did you have concerns with his work performance</p> <p>4 other than, like, not being around as much as he</p> <p>5 should be?</p> <p>6 A. I mean, he portrayed that he knew more than what</p> <p>7 he knew being a safety -- or being a maintenance</p> <p>8 lead, but he was just slow as far as maintenance.</p> <p>9 I think he was used to shadetree mechanic</p> <p>10 maintenance rather than a production line</p> <p>11 maintenance, easiest way to say it.</p> <p>12 Q. And then Carson Allman. Do you recall why he</p> <p>13 left?</p> <p>14 A. Carson and Terry Newburn are -- Carson is Terry's</p> <p>15 sister, if I remember correctly, husband. So</p> <p>16 Carson was Terry's sister's husband. They were</p> <p>17 both let go because they were doing things wrong,</p> <p>18 for example, taking off machine parts and this and</p> <p>19 that during production and then leaving without</p> <p>20 telling anybody. And they did it numerous times</p> <p>21 and, you know, can't -- can't do that in a</p> <p>22 production world.</p> <p>23 They were verbally and not necessarily</p> <p>24 physically -- I don't think either one of them</p> <p>25 were that big of guys -- but verbally abusive and</p>	<p style="text-align: right;">Page 180</p> <p>1 little bit about what's going on with these people</p> <p>2 and their job performance. Is that usually based</p> <p>3 on what other people are telling you, or just</p> <p>4 generally how do you know?</p> <p>5 A. Yeah, it would be through either the chat groups</p> <p>6 or through their direct messaging or them calling</p> <p>7 me directly.</p> <p>8 Q. Okay.</p> <p>9 A. That's what I mean. It's over time; it's not just</p> <p>10 all at once.</p> <p>11 Q. And then Landry Barnes. Do you recall why he</p> <p>12 left?</p> <p>13 A. Yeah. He got a job on the oil rigs, if I remember</p> <p>14 correctly, but I know he was moving south. That's</p> <p>15 all I know. No issues with him.</p> <p>16 Q. And Terry Barlow. Do you know why he left?</p> <p>17 A. I don't really remember Terry Barlow. Yeah, like</p> <p>18 I said, he's --</p> <p>19 Q. Looks like he was only there five days, so --</p> <p>20 okay.</p> <p>21 Richard McClelland. Do you remember why he</p> <p>22 left?</p> <p>23 A. He stopped showing up. He attended the MSHA</p> <p>24 training and then -- yeah, if you look at it,</p> <p>25 November 14th --</p>
<p style="text-align: right;">Page 179</p> <p>1 disrespectful to John, probably also Mr. Baumann,</p> <p>2 if I remember correctly. I think Terry and</p> <p>3 Mr. Baumann got in a argument, from what I</p> <p>4 understand, but they were both terminated. Same</p> <p>5 date, same argument.</p> <p>6 Q. How did you know about the issues with them? Is</p> <p>7 that something someone's reporting back to you?</p> <p>8 A. That could have been through a phone call. I</p> <p>9 don't really remember how I got the information</p> <p>10 but. . .</p> <p>11 Q. Is a lot of your information about employees' work</p> <p>12 performance coming from John Spears or is it</p> <p>13 coming from anyone in particular?</p> <p>14 A. Well, some of it would have been through</p> <p>15 Christine, some through John Spears, some through</p> <p>16 Jim Hoover, some through Mr. Baumann, some</p> <p>17 directly from -- like R.J. Williams. You know, he</p> <p>18 talked to me a few times. Especially when I was</p> <p>19 there. Landry Barnes is another one. He talked</p> <p>20 to me. You know, Jessie Hodge was another one</p> <p>21 that talked to me. You know, that's -- just</p> <p>22 different guys just talking openly, especially</p> <p>23 when I was there.</p> <p>24 Q. Mm-hmm. So when -- since you aren't there every</p> <p>25 day, you seem to have -- you know, know what -- a</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. I see that.</p> <p>2 A. -- basically two days. He didn't show up. Yeah.</p> <p>3 Q. And then Blake Leaf. Do you remember why he left?</p> <p>4 A. No, I don't remember Blake Leaf.</p> <p>5 Q. Justin Campbell?</p> <p>6 A. Yeah, doesn't ring a bell either.</p> <p>7 Q. Okay. Sarah Giberti. Do you remember why she</p> <p>8 left?</p> <p>9 A. Yep. Yep. She was a -- what is it called? An</p> <p>10 attorney has a person that works for them? A</p> <p>11 research --</p> <p>12 Q. Paralegal?</p> <p>13 A. Paralegal. Thank you. Yeah. That's what she was</p> <p>14 doing, she wanted to do. She was going to school</p> <p>15 for it, she finished schooling, and then she got a</p> <p>16 job as a paralegal.</p> <p>17 Q. And then Bryceton Williams?</p> <p>18 A. Bryceton Williams. Yeah, I don't --</p> <p>19 Q. What about Benjamin Waters? Do you recall why he</p> <p>20 left?</p> <p>21 A. Yeah. Benjamin. Yes. Okay. So Ben is one that</p> <p>22 I counseled individually about promotion because</p> <p>23 he wanted to get promoted. He wanted to become a</p> <p>24 safety or maintenance person, I don't remember</p> <p>25 which one it was, but he needed more money. That</p>

<p style="text-align: right;">Page 182</p> <p>1 was basically it. And, you know, he -- we talked</p> <p>2 to him about, you know, this is how you're going</p> <p>3 to get promoted. This is what you got to do. And</p> <p>4 he just wasn't wanting to do it, so he said he was</p> <p>5 just going to find another job. I think -- I</p> <p>6 thought I provided you guys with his last message</p> <p>7 to us. Yeah --</p> <p>8 Q. I may have that.</p> <p>9 Okay. Dakota Fellers. Do you remember --</p> <p>10 doesn't look like --</p> <p>11 A. No.</p> <p>12 Q. -- that person was there very long.</p> <p>13 A. Another person that showed up for the MSHA</p> <p>14 training to get paid and never showed up.</p> <p>15 Q. Kensley Brewer. Do you recall why she left?</p> <p>16 A. She was only there a short period of time and I</p> <p>17 think she lived in -- yeah, she lived in Joplin</p> <p>18 and I think that was too far for her and she</p> <p>19 didn't like her hours.</p> <p>20 Q. Okay. Did you have any concerns with her work</p> <p>21 performance?</p> <p>22 A. Not that I know of.</p> <p>23 Q. And what's production coordinator? What sort</p> <p>24 of -- what is that job title?</p> <p>25 A. So back to the whole thing of making sure that the</p>	<p style="text-align: right;">Page 184</p> <p>1 they get the product in-house to make sure what we</p> <p>2 say we're giving them is what they're getting.</p> <p>3 So we've had that issue where CILAS reports</p> <p>4 weren't being done per the production, and then</p> <p>5 the quality control behind that to make sure what</p> <p>6 is in the bag is what the CILAS report says and</p> <p>7 what is on the shipping documents is what is in</p> <p>8 the pallet and this, that and everything else.</p> <p>9 That's why we were struggling with Rob, so we had</p> <p>10 to hire Kensley. Okay, let's see if we can fix</p> <p>11 this to where we're taking some of that off of Rob</p> <p>12 because he's not doing very well.</p> <p>13 That's what I'm saying. We were trying</p> <p>14 everything we could to help him understand,</p> <p>15 there's not -- you're -- there's more to being a</p> <p>16 leader rather than just showing up. That's an</p> <p>17 employee, just showing up and doing what you're</p> <p>18 told. That's not a leader. So that's why that</p> <p>19 position was hired.</p> <p>20 And Rob --</p> <p>21 Q. Have you had that position at other times?</p> <p>22 A. Yes. John is actually doing that now. So he's</p> <p>23 picking up on all those other things. Yeah.</p> <p>24 Q. And do you know why Andrew Wasson left?</p> <p>25 A. Andrew Wasson was arrested for stealing diesel</p>
<p style="text-align: right;">Page 183</p> <p>1 production is done correctly. So when they do</p> <p>2 production, okay, they -- the shift lead looks at</p> <p>3 the production schedule, puts it on the board,</p> <p>4 lets everybody know what they're doing.</p> <p>5 They go get all the pallets, all the slip</p> <p>6 sheets, all the bags, the stretch wrap that's</p> <p>7 going to be done. Then, when the order's done,</p> <p>8 the shift lead asks the operations to bring over</p> <p>9 the labels and the shipping documents so that it</p> <p>10 can get, you know, labeled and get wrapped. Each</p> <p>11 bag gets a label so the customer, when they</p> <p>12 receive it, they know what's in that.</p> <p>13 During that process, we run what's called a</p> <p>14 particulate analysis report. It's a CILAS report.</p> <p>15 The shift lead, part of that job description, they</p> <p>16 have to go into the maintenance room where the</p> <p>17 CILAS machine is and run a CILAS report. The</p> <p>18 CILAS machine analyzes all the minerals and</p> <p>19 everything that's in that product, and then we</p> <p>20 generate a report and give it to the customer.</p> <p>21 So Rob, struggling at his role, we needed to</p> <p>22 make sure that the customer got the appropriate</p> <p>23 CILAS report, not just some report that they made</p> <p>24 up, because certain customers, like 3M, for</p> <p>25 example, they will run their CILAS report when</p>	<p style="text-align: right;">Page 185</p> <p>1 fuel from us. He broke into the gas tank at the</p> <p>2 quarry and broke into our garage across the street</p> <p>3 from the admin building and stole diesel and DEF</p> <p>4 fluid and gas tanks and all kinds of stuff.</p> <p>5 Q. And then do you know why Gage Wheeler left?</p> <p>6 A. Gage Wheeler. If I remember correctly, Gage</p> <p>7 Wheeler had gotten other employment back in</p> <p>8 Arkansas where he was originally from.</p> <p>9 Q. Did you have any concerns with his work</p> <p>10 performance while he was there?</p> <p>11 A. I didn't personally, the few times that I talked</p> <p>12 to him, but the guys there did. For example,</p> <p>13 Mr. Hoover said he was lazy. He sits in the</p> <p>14 maintenance room rather than trying to be</p> <p>15 proactive and keep the system flowing, stuff like</p> <p>16 that.</p> <p>17 Alex --</p> <p>18 Q. Why did --</p> <p>19 A. -- Snodgrass?</p> <p>20 Q. Yes.</p> <p>21 A. Alex Snodgrass, he got a job in a hospital. He</p> <p>22 was a X-ray technician, if I remember correctly,</p> <p>23 and he was looking for a job, was going to move to</p> <p>24 Joplin, from what I understand, got an Arkansas</p> <p>25 job at a hospital. He moved back to Arkansas.</p>



<p style="text-align: right;">Page 186</p> <p>1 Q. Why did Ronnell Fondren leave the company?</p> <p>2 A. If I remember correctly, Mr. Fondren, I believe he</p> <p>3 was terminated. I don't remember why, but I think</p> <p>4 that he was terminated.</p> <p>5 Q. Okay.</p> <p>6 A. Yeah. And Mr. Moles, he moved.</p> <p>7 And then Mr. Talbert, he was terminated for</p> <p>8 performance and attendance.</p> <p>9 Q. And then, I guess, back up to Fondren.</p> <p>10 A. Yeah.</p> <p>11 Q. You had mentioned that you believe that he was</p> <p>12 terminated. It looks like he was terminated a</p> <p>13 couple days after Baumann. Was that at all</p> <p>14 related to Baumann's termination?</p> <p>15 A. I don't think so. Had nothing to do -- I don't</p> <p>16 think they were related at all. Yeah.</p> <p>17 Q. Okay. And then Patrick Lewis. Do you recall why</p> <p>18 he left the company?</p> <p>19 A. He -- I do believe he got another job. I'm not</p> <p>20 sure where.</p> <p>21 Q. Okay.</p> <p>22 A. Yeah. But he turned in his termination letter, I</p> <p>23 think.</p> <p>24 Q. And then Ryan Closser. Do you recall why he left</p> <p>25 the company?</p>	<p style="text-align: right;">Page 188</p> <p>1 represent that I combined the termination letters</p> <p>2 you sent me into just this one document for</p> <p>3 purposes of this exhibit just to make it easier,</p> <p>4 but if you want to run through that and make sure</p> <p>5 that that looks accurate.</p> <p>6 A. That's fine. I understand.</p> <p>7 Q. Okay. And so do you know what these documents</p> <p>8 are?</p> <p>9 A. Just like you said, the termination letters for</p> <p>10 individuals.</p> <p>11 Q. And, in response to discovery, you compiled -- you</p> <p>12 gathered the terminations letters and provided</p> <p>13 those to us; is that correct?</p> <p>14 A. Gathered them and sent them to you.</p> <p>15 Q. Okay.</p> <p>16 A. Yes.</p> <p>17 Q. And if you want to scroll through them just to</p> <p>18 make sure you've seen them all, and after you've</p> <p>19 done that, if you could let me know if these are</p> <p>20 true and accurate copies of the termination</p> <p>21 letters that you provided during discovery.</p> <p>22 A. Yep. They appear to be so, yes.</p> <p>23 Q. Okay. And when you went in to gather termination</p> <p>24 letters, is that something that you keep in, like,</p> <p>25 an employee's personnel file or where do you kind</p>
<p style="text-align: right;">Page 187</p> <p>1 A. Yes. Mr. Closser had personal issues. He -- his</p> <p>2 wife, I do believe, would not let him use the car</p> <p>3 to get to work.</p> <p>4 Q. And then Raneldon Williams. Is he still an</p> <p>5 employee of American Tripoli?</p> <p>6 A. No. Yeah, he -- he got another job. I'm not sure</p> <p>7 where but he got another job. Yeah, he turned in</p> <p>8 a termination, too.</p> <p>9 Q. Maybe not that long ago because it looks like this</p> <p>10 time is to present. Was it not that long ago?</p> <p>11 A. Yeah, I'd have to look at the notes. Yeah. It</p> <p>12 was after that --</p> <p>13 Q. And then I presume John Spears is still employed,</p> <p>14 correct?</p> <p>15 A. Correct. Mm-hmm.</p> <p>16 MS. O'REILLY: Okay. I'm going to stop</p> <p>17 sharing this document.</p> <p>18 I'm going to share with you a document that</p> <p>19 I've marked as Exhibit 25.</p> <p>20 (Exhibit No. 25 marked for identification.)</p> <p>21 BY MS. O'REILLY:</p> <p>22 Q. I'll put that up. Okay. And I'm going to -- let</p> <p>23 me -- if it lets me. Here we go. I'm going to</p> <p>24 let you see this document. And this is the</p> <p>25 document I've marked as Exhibit 25, and I'll</p>	<p style="text-align: right;">Page 189</p> <p>1 of keep these?</p> <p>2 A. Yeah, we have a HR channel, I guess you could say,</p> <p>3 in Teams that holds private files on each</p> <p>4 individual.</p> <p>5 Q. Okay.</p> <p>6 A. The only person that has access to them is myself,</p> <p>7 Jordan and John.</p> <p>8 Q. Okay. And do these -- what's kind of the purpose</p> <p>9 of these termination letters, I guess?</p> <p>10 A. Well, one, so that the individual knows that</p> <p>11 they're being terminated, but if they have any</p> <p>12 questions that they can ask. Just a notice.</p> <p>13 Q. And does it list out -- does it always list out</p> <p>14 the reasons, the specific reasons, why the</p> <p>15 employee was terminated?</p> <p>16 A. Not necessarily they have to, and dealing with</p> <p>17 Missouri Department of Labor, we don't have to.</p> <p>18 It's a right to work state so we don't have to</p> <p>19 give a reason, according to the Missouri</p> <p>20 Department of Labor. We try to. We try to.</p> <p>21 Q. Okay. And then I'm just going to kind of scroll</p> <p>22 down to -- let me see. So on page 2 there's a</p> <p>23 letter to Carson Allman.</p> <p>24 A. Yes.</p> <p>25 Q. And then on page 3 there's one to Jessie Hodge;</p>

<p style="text-align: right;">Page 190</p> <p>1 and then page 4 there's one to Terry Newburn;  2 page 5, there's one to Ryan Closser; and on 6  3 there's one to Jim Hoover. These all kind of look  4 similar. They all list the one, two, three. They  5 seem to list the same things. Is this kind of  6 like a form that you use for these termination  7 letters?  8 A. Not necessarily. It's not one that's saved or  9 anything.  10 Q. So you tailor these to the --  11 A. Try to.  12 Q. -- employee that you're terminating?  13 A. Yeah. We try to.  14 Q. And who prepares these?  15 A. It would either be John or myself. Like I said, I  16 try to provide backup to John when he's busy on  17 something.  18 Q. Okay. And it lists, like, I guess -- you're on  19 page 6 right now. It lists John Spears. Does  20 that mean that he's the one that prepared the  21 letter, on the signature block?  22 A. Yes and no. I put -- I wouldn't say that for sure  23 because if it's typed up it's and sitting in, you  24 know, in the folder and then he goes back into it  25 and edits it and changes the name on top.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. Yes, I recognize it.  2 Q. Okay. And are you the one who compiled the  3 documents of disciplinary records in response to  4 discovery?  5 A. Yes.  6 Q. And do those come from the same personnel files  7 that we were just talking about?  8 A. Yes.  9 Q. And would you say that these are a true and  10 accurate copy of the disciplinary records you  11 provided to us in response to discovery?  12 A. I can only see this one page, so --  13 Q. Oh, did I not give you control? I'll give you  14 control. I'm sorry.  15 Here we go. I'll give you control so you can  16 scroll through it. I apologize.  17 A. Yeah. Just so you have a better understanding,  18 like we were continuing on in the conversation  19 about the who -- who does what. Just like on this  20 one here for -- is this R.J. Williams? Yeah, you  21 can see that John just -- John was probably in a  22 hurry, took this page, printed it, and then filled  23 in with ink for the rest. So that would be  24 specifically for John.  25 Q. Okay.</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. Okay. So just because John Spears' name might be  2 in the signature block doesn't necessarily mean  3 he's the one that wrote the letter?  4 A. Not necessarily, no.  5 Q. Okay. All right.  6 A. Because the termination letter template is -- you  7 know, the letterhead is sitting in that folder.  8 So if he was to type in, for example, like you  9 said, page 6 for Mr. Hoover, he would save it as  10 Mr. Hoover, type in the information he needed and  11 go from there.  12 MS. O'REILLY: Okay. Okay. I'm going  13 to stop sharing this.  14 I'm going to show you what I've marked as  15 Exhibit 26.  16 (Exhibit No. 26 marked for identification.)  17 Q. (By Ms. O'Reilly) I'll let you have control over  18 this. And I'll say Exhibit 26, I kind of did the  19 same thing as I did with Exhibit 25. You gave us  20 some disciplinary records, some kind of individual  21 file that I kind of just put them all together in  22 this exhibit just to make it a little easier to go  23 through them. But if you want to take a look and  24 let me know if you kind of recognize this document  25 and know what this is.</p>	<p style="text-align: right;">Page 193</p> <p>1 A. Yeah. So, yes, I agree that these are all the --  2 Q. Okay. And with regard to these written  3 disciplinary records, if -- like, let me see. For  4 example, on I guess page 3 where it says it was  5 signed by Christine Schreiber, does that mean that  6 she was the one who would have disciplined the  7 employee?  8 A. She is the operations manager, so yes.  9 Q. Okay. And when, like, a written discipline is  10 given to an employee, is that something that they  11 would need to go through you to do, or could they  12 do that without consulting you?  13 A. Yeah, they did that on their own.  14 Q. Okay.  15 A. Yeah.  16 Q. Okay.  17 A. Normally we were trying to --  18 Q. Okay.  19 A. -- in and assist with them, both Christine and  20 same with John. Even John -- John's got years of  21 experience of managing people but we still  22 provide, you know, the assistance, the wording or  23 the formatting or whatever they may need.  24 Q. Okay. And then, for example, on page 5 it looks  25 like there's one to Carson Allman, and it's not</p>

<p style="text-align: right;">Page 194</p> <p>1 signed by John and it's not signed by Carson. Do</p> <p>2 you know if this one was actually given to him?</p> <p>3 A. I -- yeah, normally if I tell them and if they</p> <p>4 refuse to sign, just like the one above, they</p> <p>5 refused to sign.</p> <p>6 Q. Okay.</p> <p>7 A. Why this one wasn't, I -- I don't know. It could</p> <p>8 have been because they were busy.</p> <p>9 Q. Okay. I'm going to stop sharing this document.</p> <p>10 Were you aware that Rob Baumann was named a</p> <p>11 miners representative at the mine in March of</p> <p>12 2023?</p> <p>13 A. No. First I heard of anything about Mr. Baumann</p> <p>14 even remotely being involved was the receipt of</p> <p>15 the complaint.</p> <p>16 Q. And do you know what a miners representative is?</p> <p>17 A. Yes.</p> <p>18 Q. And what's your understanding of what that is?</p> <p>19 A. It's a individual that is elected or appointed to</p> <p>20 a position to be the representative for the miners</p> <p>21 at that mine site.</p> <p>22 Q. And has American Tripoli, to your knowledge, ever</p> <p>23 had one of those?</p> <p>24 A. Yes. Yeah.</p> <p>25 Q. Who?</p>	<p style="text-align: right;">Page 196</p> <p>1 representative.</p> <p>2 Q. And how did you know that those two individuals</p> <p>3 you just said were miners representatives?</p> <p>4 A. Right. So on the notices that we get, it -- I --</p> <p>5 if I remember correctly, it states that they are</p> <p>6 the miners representative, and Mr. Drake, Max</p> <p>7 Drake, would bring in a copy of the one that he</p> <p>8 received in the mail and he would say, you know,</p> <p>9 Here you go, and give it to John, and John would</p> <p>10 scan it in. So that's how we knew.</p> <p>11 MS. O'REILLY: Okay. I'm going to show</p> <p>12 you a document which I've marked as</p> <p>13 Exhibit 31. I'll share that with you.</p> <p>14 (Exhibit No. 31 marked for identification.)</p> <p>15 Q. (By Ms. O'Reilly) Have you ever seen this</p> <p>16 document before?</p> <p>17 A. No.</p> <p>18 Q. Okay. Do you know if John Spears ever saw this</p> <p>19 document?</p> <p>20 A. Not that I know of, no.</p> <p>21 Q. Did you ever ask John Spears about Baumann's role</p> <p>22 as a miners representative?</p> <p>23 A. After receiving the complaint, and I don't</p> <p>24 remember his response now. But I don't -- we</p> <p>25 never -- like I said, we never had any response or</p>
<p style="text-align: right;">Page 195</p> <p>1 A. When we bought the company and up until this year,</p> <p>2 or 2023 -- and I think that was like October</p> <p>3 2023 -- it was Randy Drake and Max Drake are the</p> <p>4 two miners representatives that the company has</p> <p>5 had for many, many years.</p> <p>6 Q. And were they ever representatives of the miners</p> <p>7 while Omphalos has owned the mine?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. Except for Randy Drake never -- I thought you said</p> <p>10 he quit in 2018.</p> <p>11 A. Randy --</p> <p>12 Q. Before you guys --</p> <p>13 A. -- retired in 2018 but he was still a miners</p> <p>14 representative.</p> <p>15 Q. Okay.</p> <p>16 A. Up until I think October of 2023.</p> <p>17 Q. Okay.</p> <p>18 A. I'd have to check back on that exact date.</p> <p>19 Q. Okay.</p> <p>20 A. But those are the only two miners</p> <p>21 representatives -- and I think I provided the</p> <p>22 emails to you when we inquired MSHA for a list of</p> <p>23 those miners representatives that they were aware</p> <p>24 of, and Mr. Baumann was never recognized or</p> <p>25 acknowledged or even reported as being a miners</p>	<p style="text-align: right;">Page 197</p> <p>1 any indication from Mr. Baumann, you know, if --</p> <p>2 if he would have told us, things would have been</p> <p>3 different, but, you know, he didn't tell us and he</p> <p>4 didn't -- I even asked the other guys if they knew</p> <p>5 and they didn't know. So nobody knew but Rob, it</p> <p>6 appears. So. . . .</p> <p>7 Q. I'm going to stop sharing that document.</p> <p>8 Do you know if John Spears was ever informed</p> <p>9 about Baumann's status as a miners representative</p> <p>10 from MSHA?</p> <p>11 A. Not that I know of. Not that I'm aware of.</p> <p>12 Q. Do you know if Baumann made -- oh. Go ahead.</p> <p>13 A. Because normally if there's any type of paperwork</p> <p>14 or anything that comes in the mail or -- just like</p> <p>15 the citations and stuff, we scan them and they go</p> <p>16 into the Teams folders. So everything is scanned</p> <p>17 and stored online.</p> <p>18 Q. And do you know if Baumann ever made any safety</p> <p>19 complaints to MSHA?</p> <p>20 A. Made any safety complaints to MSHA? No. Not</p> <p>21 specifically.</p> <p>22 Q. Do you know if he ever pointed out safety issues</p> <p>23 or problems to MSHA during inspections?</p> <p>24 A. Well, I wouldn't know what he said during an</p> <p>25 inspection. No, I wouldn't know that.</p>



<p style="text-align: right;">Page 198</p> <p>1 Q. Do you know if Baumann participated in any MSHA 2 inspections while he was employed? 3 A. Yeah, we don't limit anybody from not 4 participating. 5 Q. Do you know specifically that -- if Baumann 6 participated in any MSHA inspections while he was 7 employed? 8 A. Oh, I'm sure he did, yeah. 9 Q. During Baumann's employment, were you ever 10 physically at the mine during an MSHA inspection? 11 A. I believe so, yes. 12 Q. Do you know when? 13 A. No. Because I remember seeing Mr. -- he's retired 14 now. Oh, I can't think of his name. VanDorn. 15 VanDorn. Mr. VanDorn. I've seen him in the mill, 16 passing. They were doing inspection and air 17 samples. 18 I don't recall ever seeing -- there was 19 another MSHA inspector, I think, between 20 Mr. Van Dorn -- no, there wasn't another inspector 21 between Mr. VanDorn and Mr. Markeson and 22 Mr. Licklider and stuff like that, but I have been 23 there during inspections since this year, 24 January -- or January of last year. 25 Q. Did Baumann ever make any safety complaints to you</p>	<p style="text-align: right;">Page 200</p> <p>1 was. 2 Because they stack -- they used to stack bags 3 ten layers high and then they would put them on a 4 wrapper and that wrapper would spin around and we 5 didn't -- we didn't like the way that they looked 6 so we were always looking to get another wrapper, 7 but that was a piece of machinery that was before 8 us. So we bought another wrapper and so that it's 9 not that high. 10 And then we also limited the stacking of 11 pallets to five highs rather than ten highs so we 12 don't have that issue anymore. Yeah, we fix those 13 problems as they bring them forward. 14 Q. Do you ever recall him -- Baumann raising any 15 safety concerns that you didn't fix? 16 A. No. Yeah, I mean, you got to think, it's -- if it 17 was a, you know, life-threatening situation, we 18 were, by all means, going to address it, you know. 19 But dust, I mean, that's what we produce so we've 20 got -- you know, wear your appropriate PPE, wear 21 your masks, you know, limit the control of it, 22 stuff like that. But nothing that we don't fix. 23 Got to think, we're always down maintenance, so 24 maintenance is always an issue we have to take 25 into consideration, too. So. . . .</p>
<p style="text-align: right;">Page 199</p> <p>1 or anyone else in management during his 2 employment? 3 A. Oh, I'm sure he did. We fix things. I mean, the 4 mill's a hundred and something years old. It's 5 150 years old. There's always going to be 6 something, but nothing that we wouldn't fix. 7 Q. Do you recall any specific concerns that Baumann 8 raised while he was employed? 9 A. No. 10 Q. Do you know if he ever raised any concerns about 11 dust? 12 A. Well, yeah. I mean, that's -- that's what we 13 produce, so dust is always an issue. 14 Q. Do you remember Baumann specifically making -- 15 A. No. 16 Q. -- safety complaints about dust? 17 Do you know if Baumann ever raised any safety 18 concerns about stacking bags? 19 A. Statin bags? What's a statin bag? 20 Q. Stacking. Like stacking bags on top of each 21 other. 22 A. Yeah, there was a conversation about stacking bags 23 and he was stating that MSHA said something about 24 height or whatever. And there was a conversation 25 about that but I don't -- I don't remember what it</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. Does American Tripoli have any rules or procedures 2 on what to do during MSHA inspections? 3 A. No. 4 Q. Is there anything specific that employees or John 5 or anyone in management is supposed to do if an 6 MSHA inspection starts? 7 A. No. Normal -- normal operations. 8 Q. Is there any, like, expectation that they're going 9 to contact you if there's an MSHA inspection? 10 A. If they're going to -- say that one more time. 11 Q. Do you expect someone to contact you if there's an 12 MSHA inspection? 13 A. Oh. No. I mean, eventually they're going to tell 14 us that, hey, the inspector's here. They're doing 15 an inspection. 16 Oh, okay. That's good to know. 17 Q. Have you ever expressed concerns to miners about 18 making complaints to MSHA? 19 A. Have I expressed concerns? Like, what do you 20 mean? Can you give me an example? What do you 21 mean? 22 Q. Have you ever told miners that you're concerned 23 with people making complaints to MSHA? 24 A. Not that I recall, no. 25 Q. Have you ever told miners not to talk to MSHA?</p>

<p style="text-align: right;">Page 202</p> <p>1 A. No.</p> <p>2 Q. Have you ever cautioned employees about trusting</p> <p>3 MSHA?</p> <p>4 A. Certain inspectors, yes.</p> <p>5 Q. Could you elaborate on that?</p> <p>6 A. Yeah. So in January of -- I do believe it was</p> <p>7 January. I'd have to check my dates because I</p> <p>8 don't have my notes. In January of 2023 we were</p> <p>9 visited by -- or performed an inspection by</p> <p>10 Inspector Licklider and Mr. Markenson.</p> <p>11 Mr. Licklider threatened our employees with</p> <p>12 having their butts, for a better lack of words,</p> <p>13 hauled off to jail, which you got to take into</p> <p>14 consideration, these guys are barely getting by,</p> <p>15 from what we understand. Certain ones had a</p> <p>16 warrant out for their arrest and quit basically</p> <p>17 because of that, and, you know, we can't have</p> <p>18 that.</p> <p>19 And it shouldn't be that way. To me, you</p> <p>20 know, it -- just like I explained to John, if that</p> <p>21 was the situation, we should have said, Hold on,</p> <p>22 now. Let's just take a step back and come back</p> <p>23 when everybody's level-headed and not threatening</p> <p>24 people. But for an MSHA inspector to threaten the</p> <p>25 livelihood of our employees and stuff like that,</p>	<p style="text-align: right;">Page 204</p> <p>1 railroad on the back ramp and Mr. Pratt leaned</p> <p>2 over to Mr. Markeson and told him, hey, you know,</p> <p>3 we need to hurry up and get out of here. We've</p> <p>4 been here too long. And Mr. Markeson, you know,</p> <p>5 rared back and barked at his supervisor,</p> <p>6 Mr. Pratt, and told him, If you want me to do my</p> <p>7 job, something something -- I'd have to look back</p> <p>8 in my notes -- we're going to be here a while, or</p> <p>9 whatever.</p> <p>10 And you could tell that that reaction</p> <p>11 embarrassed Mr. Pratt because Mr. Pratt leaned</p> <p>12 back and looked over at Jordan and I and we were</p> <p>13 like, oh, sheez, what's going on here? And this</p> <p>14 is -- this is not good.</p> <p>15 And Mr. Pratt had a, you know, disgusted look</p> <p>16 on his face and he looked down and shook his head</p> <p>17 and he just kind of walked off. And Jordan and I</p> <p>18 looked at each other and raised our eyes like,</p> <p>19 whoa, what is going on? You know, because all</p> <p>20 we've heard is Mr. Markeson and Mr. Licklider</p> <p>21 threatened our employees and this, that and</p> <p>22 everything else and now we're here and we're</p> <p>23 finding all these thing that are wrong and the</p> <p>24 person that is doing wrong is now yelling at his</p> <p>25 boss in front of us.</p>
<p style="text-align: right;">Page 203</p> <p>1 that was uncalled for.</p> <p>2 And then Mr. Markeson, after that point, in</p> <p>3 our opinion, has been very vindictive as far as</p> <p>4 his inspections. And it is -- you can note it in</p> <p>5 the wording of the citations and his actions.</p> <p>6 I was there because I actually got the</p> <p>7 district manager involved in that confrontation at</p> <p>8 that time and asked Mr. Sims -- I don't remember</p> <p>9 his first -- Anthony Sims, the district manager at</p> <p>10 the time, to come on site and visit, and he did</p> <p>11 with the field supervisor, which is Mr. Pratt,</p> <p>12 Shawn Pratt, and we started going through the</p> <p>13 inspections that Mr. Licklider and Mr. Keith</p> <p>14 Markeson were finding that were shutting us down.</p> <p>15 And even Mr. Sims had said, You can contest</p> <p>16 that one. And I'm like, Well, why are we shut</p> <p>17 down and why are we contesting things if you're</p> <p>18 even seeing that the inspector made a mistake?</p> <p>19 So during that day, it was numerous citations</p> <p>20 that Mr. Sims agreed that, yeah, you can go ahead</p> <p>21 and contest that one, too. That -- you could tell</p> <p>22 that Mr. Markeson was very agitated and very upset</p> <p>23 about us questioning his authority and his</p> <p>24 findings. To the point so much that Jordan and</p> <p>25 myself were standing in the door going out by the</p>	<p style="text-align: right;">Page 205</p> <p>1 So ever since then, we've just had problems</p> <p>2 with Markeson. I mean, ridiculous problems with</p> <p>3 Inspector Markeson. So --</p> <p>4 Q. I guess my question was actually a little</p> <p>5 different than that. It was: Have you ever</p> <p>6 talked to other employees about being careful</p> <p>7 around MSHA inspectors?</p> <p>8 A. Yeah. So that leads back into my story where</p> <p>9 Mr. Markeson was actually being very vindictive</p> <p>10 and the employees, they could feel that and --</p> <p>11 coming off of that, and even Mr. Hoover, I think</p> <p>12 in the notes that we talked about, or that I</p> <p>13 shared with you guys about the conversation</p> <p>14 between him and I about, you know, his demeanor</p> <p>15 and everything -- Mr. Markeson's demeanor towards</p> <p>16 the employees, you know, how they felt threatened</p> <p>17 about their jobs and how every time that they come</p> <p>18 in, they're scared for their jobs. And it</p> <p>19 shouldn't be that way. It's just an inspection.</p> <p>20 It shouldn't be that way.</p> <p>21 So talking with them, not only Mr. Hoover,</p> <p>22 Mr. -- Mr. Williams was one. The maintenance guy,</p> <p>23 I can't remember his name, Gage Wheeler, he got</p> <p>24 very, very angry about MSHA, and I can't remember</p> <p>25 if it was Licklider or if it was Mr. Markeson, but</p>

<p style="text-align: right;">Page 206</p> <p>1 Gage was one that was very upset with the MSHA 2 inspectors and the way that they were acting 3 towards him and towards John, and that -- that 4 goes back to that whole thing of the conversation 5 about John telling Gage, hey, don't get in a 6 confrontation with him. Let me talk with the 7 inspectors. 8 Gage was a brand-new maintenance guy. You 9 got to think, if we don't have a maintenance guy, 10 that falls back on John's plate. John plate's 11 already full. So if John's -- if we don't have a 12 maintenance guy, which we just hired -- and John 13 liked Gage and he wanted to keep him. So he 14 stepped in and said, Gage, let me -- bring the 15 MSHA guy to me. Let me help. Don't pour gas on 16 this fire because you're a hothead -- Gage was a 17 very hot head. You know, we don't want that. We 18 want the maintenance guy here to help make 19 operations run. We've got to -- we've got to fix 20 these problems. 21 So that's -- that -- all those conversations 22 tied together all circle around this whole thing 23 going on with Mr. Pratt -- Mr. Licklider and 24 Mr. Markeson. 25 So all these guys that -- you know, if you</p>	<p style="text-align: right;">Page 208</p> <p>1 MS. O'REILLY: I'm going to show you a 2 document I've marked as Exhibit Number 18. 3 (Exhibit No. 18 marked for identification.) 4 Q. (By Ms. O'Reilly) And down below -- there's 5 redactions, appears. I'm not asking you about 6 that part of the document but I am asking about 7 this email, and it looks like it's from 8 RTidaback@deedy.com to Maryjo, and is this an 9 email that you sent? 10 A. It appears to be. 11 Q. I can give you control, too. I'm sorry. Once it 12 lets me. Here you go. 13 And do you know, is this a true and accurate 14 copy of this email that you sent to Maryjo Bishop 15 on September 19th? 16 A. It appears to be, yes. 17 Q. And I'm going to stop sharing that one and move on 18 to -- 19 A. Is there a question? 20 MS. O'REILLY: No. I just wanted to 21 make sure I understood what that document 22 was. 23 Okay. I am going to -- I need a little 24 break. So I'm going to take, like, a 15-minute 25 break and then maybe we can get back together at</p>
<p style="text-align: right;">Page 207</p> <p>1 were to talk to all these miners and they were to 2 be open and honest with you, I mean, they're 3 scared of MSHA. I mean, even our guys today, 4 they're threatened every time MSHA comes in that 5 they're not going to be able to work. They're 6 going to have to go find another job. Jobs are 7 not easy to find in Seneca. I mean, it's just 8 not. 9 So, to answer your question, it is very 10 difficult, you know, to have these conversations 11 with these miners about these MSHA inspectors and 12 how they come in and do what they do because 13 it's -- it is perceived that they are not there to 14 help and train or educate or take care of us; they 15 are there to verbally abuse us and try to shut the 16 organization down, and 2023 proved that when 17 you've got vindictive MSHA inspectors, that's what 18 happens. We were shut down a lot because of MSHA 19 for no reason. 20 And I think you -- be honest with you, I 21 think you can really see this and a lot of things 22 that's been going on with the district. And this 23 all has to come to a head and had to end because 24 this is ridiculous. 25 Sorry. Got long-winded.</p>	<p style="text-align: right;">Page 209</p> <p>1 2:20? 2 (A recess was taken from 2:05 p.m. until 3 2:22 p.m.) 4 Q. (By Ms. O'Reilly) I just have a couple more 5 wrap-up questions and then we'll be done here 6 today. 7 One thing I just wanted to clarify, I think 8 you mentioned previously that Omphalos is owned by 9 yourself and Jordan Tidaback; is that correct? 10 A. Correct. 11 Q. And what is the percentage ownership in there? 12 A. 60/40, myself with 60 and Jordan 40. 13 Q. And is -- okay. And then I'm going to go back to 14 Exhibit 11. I'm going to pull that up and share 15 my screen. And I'll go to the top here. This was 16 the interrogatories, and then a little bit further 17 down were chat messages in here. 18 So I'm going to go down here to page 28 of 19 Exhibit 11, and in here we had previously 20 discussed how this purple communication was your 21 communications, and towards the bottom of page 28 22 there's a purple box that says: We need you to 23 make that place rock and roll. I need the 24 justification since Rob's complaint to MSHA about 25 being let go, dot dot dot, just need you to put</p>

<p style="text-align: right;">Page 210</p> <p>1 the cherry on the cake. That's all.</p> <p>2 Do you see that?</p> <p>3 A. Mm-hmm.</p> <p>4 Q. And what did you mean by that statement?</p> <p>5 A. Jim's a heavy guy, so he likes food. That's the</p> <p>6 reference to the cherry on the cake. He likes</p> <p>7 cake.</p> <p>8 Let's see here. Rock and roll. Jim gets</p> <p>9 real excited. He's the individual that got us to</p> <p>10 60,000 pounds the one day that we were able to</p> <p>11 produce the 60,000 pounds, and every time that we</p> <p>12 would produce over -- even over 35,000 pounds, he</p> <p>13 would always, you know, celebrate and, you know,</p> <p>14 hooray, high fives, give a call, everything else,</p> <p>15 send memes. That was just Jim's way of</p> <p>16 celebrating that he got it. He was excited about</p> <p>17 being back in this place -- can I have control of</p> <p>18 the mouse?</p> <p>19 Q. Oh, yep. Let me -- okay.</p> <p>20 A. Because I think there's more to that conversation</p> <p>21 than just that one sentence.</p> <p>22 Q. Well, I guess here I'm trying to ask what this</p> <p>23 question -- this --</p> <p>24 A. Yeah.</p> <p>25 Q. -- one specifically. So --</p>	<p style="text-align: right;">Page 212</p> <p>1 the date we received the complaint but it was</p> <p>2 probably on my mind, hey, we need the</p> <p>3 justification. Make it rock and roll since we're</p> <p>4 all complaining to MSHA about being let go. Okay?</p> <p>5 Rob's being let go had nothing to do with</p> <p>6 discrimination and it had to do with his</p> <p>7 performance, like we've discussed. So that's what</p> <p>8 this communication here is all for.</p> <p>9 And so, as you can see in his response to</p> <p>10 that same message: All right. I'll do my best</p> <p>11 when we're rocking. I haven't shut the feed off</p> <p>12 yet and the socks are still down, so I'm guessing</p> <p>13 that's good. Okay.</p> <p>14 So Rob had issues with the feed. We'd</p> <p>15 always -- you know, Jim's complaints to us was</p> <p>16 he's not feeding properly. He's not getting the</p> <p>17 material and he's not doing his job. So, you</p> <p>18 know, part of managing the material feed and</p> <p>19 managing the socks is part of that person's job.</p> <p>20 And it's been told. I mean, that's why that</p> <p>21 person's in the control room. You just can't walk</p> <p>22 away from it.</p> <p>23 So that one sentence is not anything</p> <p>24 negative. It's about, Jim, here's your time</p> <p>25 again. You got to show that -- you got to show us</p>
<p style="text-align: right;">Page 211</p> <p>1 A. So he --</p> <p>2 Q. Go ahead.</p> <p>3 A. Yeah, to answer your question, he was promoting</p> <p>4 that, hey, we're rolling at 8:49 in the a.m.</p> <p>5 because, you got to remember, we give them an hour</p> <p>6 to start up. So with communications with Jim</p> <p>7 about, you know, let's make sure we're running by</p> <p>8 9:00 and let's shut down by 3:30. So if he was</p> <p>9 starting ten -- ten minutes before 9:00, he's</p> <p>10 excited about it. Okay?</p> <p>11 So you can see -- was that the same day? No.</p> <p>12 So that's the same thing. He's promoting to me</p> <p>13 that, hey, we're rolling early, Boss. We're going</p> <p>14 to get going. Great. Hey, brother, let's do some</p> <p>15 thing good things, okay? Have a good day. And</p> <p>16 he's saying no dust either, okay? Well, what the</p> <p>17 "no dust" means is that they actually properly</p> <p>18 shut down the night before, and then he says, we</p> <p>19 will, and I got you boss, and I need to make that</p> <p>20 place rock and roll like you normally do, Jim.</p> <p>21 You know, Jim is the one that was able to,</p> <p>22 you know, make it run. He was training Rob. He's</p> <p>23 training John. He's getting a lot of information</p> <p>24 from Mr. Randy Drake, you know.</p> <p>25 So -- let's see. I'd have to look back at</p>	<p style="text-align: right;">Page 213</p> <p>1 that you're doing what you're supposed to since</p> <p>2 Rob complained that we let him go. You know, it</p> <p>3 had nothing to with MSHA and it had to do with his</p> <p>4 performance. So that answers your question,</p> <p>5 hopefully.</p> <p>6 Q. And why did you say you need the justification?</p> <p>7 A. Because --</p> <p>8 Q. Because you didn't have justification?</p> <p>9 A. No. Putting -- putting Jim back in that position.</p> <p>10 Not -- it had nothing to do with Rob. It was</p> <p>11 putting -- we need justification to put you back</p> <p>12 in this position, Jim. We need to train you to</p> <p>13 get you to be the manager that you don't think you</p> <p>14 are. That was about him being a good manager,</p> <p>15 making sure things were getting done because the</p> <p>16 guys, the other mill associates, are looking to</p> <p>17 Jim, since he's in that position, to be their</p> <p>18 leader.</p> <p>19 So we need that justification. Since Rob's</p> <p>20 not there, comma -- you know, I guess I could have</p> <p>21 put a comma behind it, Rob complaining to MSHA,</p> <p>22 you know. Rob's not there anymore. Jim, you're</p> <p>23 the man. We've got to make this place rock and</p> <p>24 roll. We need justification for you being in that</p> <p>25 role because if the mill guys don't see that</p>

<p style="text-align: right;">Page 214</p> <p>1 you're a leader, they're going to complain about</p> <p>2 you.</p> <p>3 We don't want that. We want those guys to</p> <p>4 look to Jim, to learn from Jim, you know, to grow</p> <p>5 so that they can eventually be the control room or</p> <p>6 the shift lead soon, you know. That's part of</p> <p>7 their progression. So that's -- that's what that</p> <p>8 whole thing means.</p> <p>9 Q. Okay. And then why does it also say "since Rob</p> <p>10 complained to MSHA about being let go"? It makes</p> <p>11 it seem like justification is related to his</p> <p>12 complaint to MSHA.</p> <p>13 A. No.</p> <p>14 Q. So why is the complaint to MSHA in there?</p> <p>15 A. We need the justification to put Jim back in that</p> <p>16 position. We -- like I said, I'd have to look at</p> <p>17 this to see what else is all in the conversation.</p> <p>18 Did I just get the notification that Rob</p> <p>19 complained that morning? I don't know, not based</p> <p>20 off this setting right now.</p> <p>21 So, like I said, putting Jim in that</p> <p>22 position, we need the justification behind it</p> <p>23 since Rob has been let go. In correlation of</p> <p>24 letting Rob go, Rob complained to MSHA about us</p> <p>25 letting him go. That was really not really</p>	<p style="text-align: right;">Page 216</p> <p>1 DEPONENT'S SIGNATURE PAGE</p> <p>2</p> <p>3</p> <p>4 In Re: ACTING SECRETARY OF LABOR, MSHA And BAUMANN</p> <p>5 v. MOSENECAMANUFACTURER LLC dba AMERICAN</p> <p>6 TRIPOLI</p> <p>7 MSHA COMMISSION, OFFICE OF ADMINISTRATIVE LAW</p> <p>8 JUDGE,CENT 2023-0251</p> <p>9 Taken: January 22, 2024</p> <p>10</p> <p>11</p> <p>12</p> <p>13 _____</p> <p>14 RUSSELL TIDABACK</p> <p>15</p> <p>16 Subscribed and sworn to before me this ____ day of</p> <p>17 _____, 20____.</p> <p>18</p> <p>19</p> <p>20 _____</p> <p>21 Notary Public</p> <p>22</p> <p>23 My commission expires:</p> <p>24 _____</p> <p>25</p>
<p style="text-align: right;">Page 215</p> <p>1 related, but that's -- need justification to put</p> <p>2 Jim in that position so the other guys can grow</p> <p>3 and do their job because that's part of their</p> <p>4 progression chain, you know. We want the mill</p> <p>5 associates to grow, to get paid more, to be able</p> <p>6 to do all the things so we're not just relying on</p> <p>7 one person. Again, that was the reason we hired</p> <p>8 Rob.</p> <p>9 MS. O'REILLY: Okay. I'm going to stop</p> <p>10 sharing this document and then I'm just going</p> <p>11 to look through my notes real quick, but I</p> <p>12 think I'm done with this and that's all the</p> <p>13 questions that I have. Just give me a</p> <p>14 moment.</p> <p>15 THE WITNESS: Can I ask a question?</p> <p>16 MS. O'REILLY: No, I'm not answering</p> <p>17 questions. This is not my deposition.</p> <p>18 THE WITNESS: All right.</p> <p>19 MS. O'REILLY: All right. I'm complete.</p> <p>20 That's all the questions that I had so we can</p> <p>21 go off the record.</p> <p>22 (The deposition concluded at 2:35 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 217</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF MISSOURI )</p> <p>3 )ss</p> <p>4 COUNTY OF GREENE )</p> <p>5 I, MARY S. McCARTY, Certified Court</p> <p>6 Reporter, do hereby certify that the witness</p> <p>7 was duly sworn by me; that the facts stated</p> <p>8 by me in the caption hereof are true; that</p> <p>9 the said witness did make the above and</p> <p>10 foregoing answers in response to questions</p> <p>11 propounded as shown; that I did, in</p> <p>12 stenotype, report said proceedings; and that</p> <p>13 the above and foregoing typewritten pages</p> <p>14 contain a full, true, and correct</p> <p>15 transcription of my shorthand notes taken on</p> <p>16 such occasion.</p> <p>17</p> <p>18 I further certify that I am neither</p> <p>19 attorney for, nor counsel for, nor related</p> <p>20 to, nor employed by any of the parties to the</p> <p>21 action in which this deposition was taken;</p> <p>22 and, further, that I am not a relative or</p> <p>23 employee of any attorney or counsel employed</p> <p>24 by the parties hereto, or financially</p> <p>25 interested in the action.</p> <p>_____</p> <p>MARY S. McCARTY, CCR</p> <p>CCR No. 1491</p>



<b>Exhibits</b>	<b>Exhibit 27</b> 3:23 142:11, 12	<b>13</b> 15:15 51:4 103:21,22	<b>2019</b> 12:24
<b>Exhibit 01</b> 2:19 57:23 58:1,6 62:4	<b>Exhibit 28</b> 3:24 144:8,9, 13	<b>14</b> 90:20 93:22 105:12,13, 17	<b>2020</b> 12:24
<b>Exhibit 02</b> 2:21 61:15,16	<b>Exhibit 29</b> 3:25 146:5,6	<b>140,000</b> 57:1	<b>2021</b> 22:9 37:16 39:9 108:14 109:14
<b>Exhibit 03</b> 2:22 70:16,17, 18 75:24 78:7	<b>Exhibit 30</b> 4:1 147:11	<b>14th</b> 90:4 92:17 93:17 180:25	<b>2022</b> 21:21 22:9 50:16 59:14 60:22 61:4 64:23 65:21 72:6,19 73:2,20 77:24 93:22,25 95:7 105:21,22 140:2 167:3
<b>Exhibit 04</b> 2:24 85:22,23	<b>Exhibit 31</b> 4:2 196:13,14	<b>15</b> 69:24 70:5 78:7 107:25 108:1	<b>2022/11/1</b> 62:1
<b>Exhibit 05</b> 2:25 88:11,12 90:12,21 91:8	<b>\$</b>	<b>15-minute</b> 69:22 208:24	<b>2023</b> 14:17 21:15,17 22:9 51:19 60:23 61:5 65:21 72:19 73:2 78:19 94:13,25 97:16 98:4 115:15 140:3 155:13 157:20 163:9 167:3 194:12 195:2,3,16 202:8 207:16
<b>Exhibit 06</b> 3:1 90:9,10,16	<b>\$140,000</b> 57:2	<b>150</b> 199:5	<b>2023-0251</b> 5:19,23
<b>Exhibit 07</b> 3:2 92:2,3	<b>\$20</b> 142:20 143:2	<b>16</b> 100:17 101:5 109:17,18	<b>2023/3/31</b> 62:1
<b>Exhibit 08</b> 3:3 92:24,25 93:22	<b>1</b>	<b>16,500</b> 59:15	<b>2024</b> 109:10
<b>Exhibit 09</b> 3:4 95:17,18	<b>1</b> 57:23 58:1,6 61:4,5 62:4 65:21 71:1 72:25 78:22 104:15 111:17 167:3	<b>16th</b> 140:2	<b>21st</b> 115:13
<b>Exhibit 10</b> 3:5 97:3,5	<b>10</b> 16:4 21:23 97:3,5 166:22	<b>17</b> 80:18 110:25 111:1	<b>22</b> 95:13 115:13
<b>Exhibit 11</b> 3:6 100:2,3 209:14,19	<b>10,000</b> 60:9	<b>179</b> 84:24	<b>23</b> 161:13,14
<b>Exhibit 12</b> 3:8 101:20,21	<b>100</b> 151:9	<b>17th</b> 100:18 140:2 155:13 163:8 167:3	<b>24</b> 49:24 102:12 162:23,25
<b>Exhibit 13</b> 3:10 103:21, 22	<b>100,000</b> 49:22 53:4	<b>18</b> 23:11 110:25 116:9,11 208:2,3	<b>24/7</b> 39:6
<b>Exhibit 14</b> 3:11 105:12, 13,17	<b>100-degree</b> 55:2	<b>1869</b> 23:12	<b>24th</b> 59:14
<b>Exhibit 15</b> 3:12 107:25 108:1	<b>100-pound</b> 64:18	<b>19</b> 116:8,13,14	<b>25</b> 187:19,20,25 191:19
<b>Exhibit 16</b> 3:13 109:17, 18	<b>100K</b> 53:14,22	<b>197</b> 15:22	<b>26</b> 51:5 191:15,16,18
<b>Exhibit 17</b> 3:15 111:1	<b>10:24</b> 70:13	<b>19th</b> 208:15	<b>27</b> 59:23 73:19 142:11,12
<b>Exhibit 18</b> 3:16 110:25 208:2,3	<b>10:40</b> 69:24 70:14	<b>1st</b> 59:21,22 60:9,15,22 72:6,19 109:8	<b>27th</b> 59:18
<b>Exhibit 19</b> 3:17 116:8,13, 14	<b>11</b> 90:21 99:16 100:2,3 209:14,19	<b>2</b> 61:15,16 90:20 111:19 115:22 122:14 189:22	<b>28</b> 60:5 144:8,9,13 209:18, 21
<b>Exhibit 20</b> 3:18 121:22, 23 158:17,18 166:19,23	<b>11/3</b> 64:16,23	<b>20</b> 57:3,12 70:24 121:22, 23 139:3,5 158:17,18 166:19,23	<b>29</b> 146:5,6
<b>Exhibit 23</b> 3:19 161:13, 14	<b>11:40</b> 70:1	<b>2000</b> 15:19	<b>2:05</b> 209:2
<b>Exhibit 24</b> 3:20 162:22, 23,25	<b>11th</b> 115:15	<b>2005</b> 16:4	<b>2:20</b> 209:1
<b>Exhibit 25</b> 3:21 187:19, 20,25 191:19	<b>12</b> 24:2 94:10,20 101:20, 21	<b>2008</b> 18:21	<b>2:22</b> 209:3
<b>Exhibit 26</b> 3:22 191:15, 16,18	<b>120-</b> 57:2	<b>2009</b> 16:4 18:21	<b>2:35</b> 215:22
	<b>1200</b> 23:14	<b>2013</b> 15:21	<b>3</b>
	<b>12:12</b> 148:22	<b>2017</b> 16:8	<b>3</b> 70:17,18 75:24 78:7 122:8,15 145:2 189:25
	<b>12:45</b> 148:17	<b>2018</b> 15:23 52:15 195:10, 13	
	<b>12:48</b> 148:23		

193:4	<b>4:00</b> 65:8		<b>acquiring</b> 32:24 53:18
<b>3/30</b> 78:17	<b>4:30</b> 65:7 124:21	<b>9</b>	<b>acquisition</b> 32:22,23
<b>3/30/23</b> 78:18	<b>5</b>	<b>9</b> 24:2 95:17,18 102:21	<b>acquisitions</b> 12:1,3,13
<b>30</b> 16:15 17:5 57:12 70:24 72:19 124:21 147:10,11 165:5,17	<b>5</b> 79:7 88:11,12 90:12,21 91:8 122:14 158:22,23 190:2 193:24	<b>90</b> 165:5	<b>acres</b> 23:13,15
<b>30-minute</b> 124:23 148:13	<b>50</b> 49:22 51:1	<b>90th</b> 135:2	<b>Act</b> 36:6
<b>30-plus</b> 172:20	<b>5000-23</b> 109:25	<b>92</b> 19:9	<b>acting</b> 206:2
<b>300</b> 16:22	<b>5:30</b> 145:13	<b>9:00</b> 64:11 163:8,9,10 211:8,9	<b>actions</b> 156:20 203:5
<b>30th</b> 72:7 73:2	<b>6</b>	<b>A</b>	<b>actively</b> 8:7 23:6
<b>31</b> 65:21 196:13,14	<b>6</b> 90:9,10,16 97:18,21 110:4 122:15 166:23 190:2,19 191:9	<b>a.m.</b> 64:11 70:13,14 111:15 141:19 163:8,9,10 211:4	<b>activities</b> 30:3,13 32:11
<b>31st</b> 109:8	<b>6,000</b> 50:15,19 51:3	<b>ability</b> 7:13 100:5 165:23	<b>actual</b> 49:7,9 81:15 112:17,18 151:23
<b>35</b> 54:17,19	<b>60</b> 137:15 165:5 209:12	<b>absence</b> 132:15	<b>add</b> 44:6 64:10 85:14 94:2,3 120:12,23 121:11
<b>35,000</b> 210:12	<b>60,000</b> 210:10,11	<b>abuse</b> 207:15	<b>added</b> 43:24 64:7 83:5,7 96:2 119:2,3 121:13,17 160:14
<b>36,000</b> 23:12 50:8 51:15 53:1 60:16	<b>60/40</b> 209:12	<b>abusive</b> 178:25	<b>adding</b> 60:17
<b>365</b> 162:11	<b>62,000</b> 54:4	<b>access</b> 26:15 28:22 62:12,13 67:12,18,21,24 75:1,4,11,15 86:11 101:23 108:3,5 111:2 112:19 117:12 118:1 120:1,21 125:9 144:11 189:6	<b>additional</b> 18:8 36:2 102:17 124:2 128:21,24, 25
<b>37</b> 167:8 168:1	<b>65</b> 82:19 83:23	<b>accountability</b> 63:21	<b>address</b> 66:11 161:19,22 166:25 167:1 200:18
<b>3:30</b> 127:3 211:8	<b>7</b>	<b>accumulation</b> 144:17 156:19 157:22,25 158:1,3	<b>admin</b> 24:10,16 48:14,23, 24 185:3
<b>3M</b> 183:24	<b>7/1</b> 144:15	<b>accurate</b> 42:21 60:20 61:1 65:20 75:25 76:5 77:6 87:11 90:1 91:19 92:16 93:15 96:22 97:25 101:9 103:14 105:7 107:17 108:22 110:20 115:11 119:19 120:7 138:18 143:16 144:23 146:1 162:15 188:5,20 192:10 208:13	<b>administrative</b> 26:7 31:2,4,7,13 32:14 174:20, 22 175:3
<b>4</b>	<b>8</b>	<b>accurately</b> 150:16	<b>admitted</b> 98:16
<b>4</b> 58:14 85:22,23 145:13 190:1	<b>8</b> 92:24,25 93:22 102:6,9, 24 126:2	<b>accustomed</b> 29:19	<b>ADP</b> 143:10 144:20
<b>4/19/2023</b> 97:23	<b>8,000</b> 60:6	<b>Achille's</b> 56:6	<b>advantage</b> 142:8
<b>4/23</b> 144:15	<b>80</b> 60:4	<b>acknowledged</b> 195:25	<b>advice</b> 9:14
<b>4/9</b> 79:1	<b>80,000</b> 60:5,6	<b>acquire</b> 12:21	<b>advised</b> 134:15,17
<b>4/9/23</b> 79:2	<b>800</b> 60:6	<b>acquired</b> 13:3 37:16 66:18	<b>advisory</b> 12:1,5,12
<b>40</b> 141:25 142:2 209:12	<b>8:00</b> 65:7 111:15 124:21 141:19 145:13		<b>affect</b> 54:14,25 55:2 165:22
<b>40,000</b> 49:23 50:9 55:12	<b>8:49</b> 211:4		<b>affected</b> 55:17 154:24
<b>40-hour</b> 124:14			<b>afternoon</b> 141:20
<b>40-something</b> 52:12			<b>agency</b> 56:3 80:24
<b>43</b> 108:15			<b>agitated</b> 203:22
<b>435</b> 73:10			<b>agnostic</b> 12:6
<b>436</b> 73:12,19			
<b>467</b> 71:10 72:9			
<b>49</b> 90:21			

<p><b>agree</b> 6:14 7:19 8:23 46:25 60:19,25 65:19 72:2,20,23 124:8 140:3 193:1</p> <p><b>agreed</b> 203:20</p> <p><b>ahead</b> 16:10 22:20 39:10 51:11 56:19 61:24 62:24 71:7 83:16 86:19 100:16 112:10 197:12 203:20 211:2</p> <p><b>air</b> 51:8 54:17,21 198:16</p> <p><b>Alex</b> 185:17,21</p> <p><b>Allman</b> 178:12 189:23 193:25</p> <p><b>American</b> 5:18 10:16,24 11:2,3,11,21 12:22 13:3,9, 15,16,17 14:1,17,21,25 18:25 20:4,11,17 23:11 30:4,13 31:17,19 32:17 33:4 34:23 35:10 38:15 39:12,16,22 44:22 46:9,25 47:4,19 51:21 57:12 62:9 65:15,25 67:5,8,14 68:9, 10 74:4 76:13 96:23 98:8 106:15 107:18 108:11 119:20 120:10 132:9 164:12 167:2,15 173:6 174:21 187:5 194:22 201:1</p> <p><b>ammunition</b> 120:18</p> <p><b>amount</b> 48:10 54:3 137:5 145:25 173:8,15,18</p> <p><b>analysis</b> 183:14</p> <p><b>analyzes</b> 183:18</p> <p><b>Andrew</b> 84:3,8,11,16,20 184:24,25</p> <p><b>Angela</b> 176:11,20</p> <p><b>Angela's</b> 177:19</p> <p><b>angry</b> 205:24</p> <p><b>annual</b> 120:15 149:1,4,21</p> <p><b>anonymous</b> 156:7,8,23</p> <p><b>answering</b> 6:20 215:16</p> <p><b>answers</b> 7:4,9,14 9:13 122:11 213:4</p> <p><b>Anthony</b> 203:9</p>	<p><b>anymore</b> 89:19 174:23 175:1 200:12 213:22</p> <p><b>anything's</b> 44:14</p> <p><b>apologize</b> 192:16</p> <p><b>app</b> 112:10 125:8</p> <p><b>appears</b> 93:18 97:9 110:3 111:4 113:22 115:14 122:3 162:19 163:3,8 197:6 208:5,10,16</p> <p><b>applicants</b> 30:20</p> <p><b>application</b> 112:20,23</p> <p><b>applications</b> 7:19 8:3,24</p> <p><b>apply</b> 34:21 54:22</p> <p><b>appointed</b> 194:19</p> <p><b>approvals</b> 173:2</p> <p><b>approves</b> 36:1 173:6</p> <p><b>approximately</b> 24:5 119:12</p> <p><b>April</b> 14:17 72:7,19 73:2 79:2 93:17,22,25 94:24 97:15 98:4 99:5,6 100:18 115:15 140:2 155:13 157:20 158:3 163:8 167:3</p> <p><b>aptitude</b> 98:17</p> <p><b>area</b> 16:11 23:13 34:19 56:15 111:22 145:1 150:11,12</p> <p><b>areas</b> 19:20</p> <p><b>argument</b> 168:9 179:3,5</p> <p><b>Arkansas</b> 174:7 185:8, 24,25</p> <p><b>arms</b> 17:11</p> <p><b>Army</b> 15:13,20 19:7</p> <p><b>arrest</b> 202:16</p> <p><b>arrested</b> 184:25</p> <p><b>arrived</b> 125:12</p> <p><b>asks</b> 27:11 183:8</p> <p><b>aspects</b> 38:7</p> <p><b>assigns</b> 126:5</p> <p><b>assist</b> 30:16 44:6 51:21 163:19 166:18 193:19</p>	<p><b>assistance</b> 30:17 42:8 193:22</p> <p><b>assistant</b> 14:4 26:3 43:6, 8,11 45:10 174:20,22 175:3</p> <p><b>assistant--we've</b> 175:5</p> <p><b>assisting</b> 127:10,11 158:11</p> <p><b>associate</b> 98:8,10 99:2,4 114:3,4 123:19 128:18 132:16 140:25</p> <p><b>associate's</b> 134:20</p> <p><b>associates</b> 24:24 26:14, 21 38:5 42:14 43:12 44:25 45:9 79:19 80:13 105:24 114:16 125:14 127:7,15 128:19 129:18 134:4 135:16 140:15,24 151:7 154:17,18 164:16 166:4, 10,14 170:8,22 213:16 215:5</p> <p><b>assume</b> 53:8 62:5 64:5 66:18 84:3 91:7,14 92:19 93:21 95:3,4 99:10 106:23 119:9 120:23 121:8 144:18 156:11 163:13</p> <p><b>assumed</b> 6:12</p> <p><b>assuming</b> 89:14 91:3 94:16 112:13 125:25 144:14</p> <p><b>attacked</b> 171:20</p> <p><b>attempt</b> 6:10</p> <p><b>attendance</b> 186:8</p> <p><b>attended</b> 19:22 180:23</p> <p><b>attends</b> 66:13</p> <p><b>attention</b> 27:6 111:18</p> <p><b>attitude</b> 135:19 136:11 150:23 152:16</p> <p><b>attorney</b> 5:11,14,22 6:1,3 13:6 181:10</p> <p><b>audience</b> 17:9</p> <p><b>August</b> 77:24 105:22</p> <p><b>authority</b> 33:3 155:7 203:23</p>	<p><b>automatic</b> 113:8</p> <p><b>automatically</b> 113:7,9</p> <p><b>average</b> 49:13,16,17 56:24 164:18</p> <p><b>aviation</b> 16:6,7,13 17:11 18:22</p> <p><b>aware</b> 26:8 194:10 195:23 197:11</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>back</b> 18:22 21:8,18 22:8, 11 24:4 25:22 32:20 34:25 41:12 42:15 44:15 45:4,6 47:25 48:2 53:9 55:16 57:2,13 64:22 69:24 70:5 74:25 75:23 77:24 78:20 85:14,15 99:1,7 108:14 123:3 126:25 127:9 129:25 130:12 141:4 143:1 147:25 148:14,17, 21,24 149:17 153:1 155:17 157:12 167:18 168:14 170:13,14 171:6 172:11 177:24 179:7 182:25 185:7,25 186:9 190:24 195:18 202:22 204:1,5,7,12 205:8 206:4, 10 208:25 209:13 210:17 211:25 213:9,11 214:15</p> <p><b>background</b> 40:14,19,20 157:5</p> <p><b>backs</b> 79:24</p> <p><b>backup</b> 42:23 123:8,9,10, 12,14 166:15,17 190:16</p> <p><b>bad</b> 170:10</p> <p><b>bag</b> 36:25 38:21 137:6,9, 16 183:11 184:6 199:19</p> <p><b>bagger</b> 25:7 111:19 114:5 126:6</p> <p><b>bags</b> 27:2 35:22 42:16 63:15,16,18 64:18 123:23 126:21 137:6,12,13,14 183:6 199:18,19,20,22 200:2</p> <p><b>Bainter</b> 110:7 111:13 113:16 168:19 175:11,14</p>
--	--	---	--



<b>barbecuing</b> 68:20 <b>barely</b> 202:14 <b>barked</b> 204:5 <b>Barlow</b> 180:16,17 <b>Barnes</b> 179:19 180:11 <b>based</b> 24:3 33:13 36:1 37:21 41:10 50:23,24 51:24 52:24 55:11 63:11, 13 97:17 115:9 118:16 156:7 165:6 169:17 173:7 180:2 214:19 <b>basic</b> 83:19 139:15 <b>basically</b> 35:21 36:25 40:22 41:16 57:3 66:6,8 98:16 174:25 175:16 176:24 177:5 181:2 182:1 202:16 <b>basing</b> 53:14 <b>basis</b> 26:2,10 27:13 37:20 169:16 <b>bathroom</b> 171:11 <b>bathrooms</b> 127:8 <b>Baumann</b> 5:16 14:19 21:25 22:13 23:6 26:24 38:4 43:9 45:14 46:3,8,9, 14,17,20,24 47:3 48:13 59:25 62:21 71:1 72:5,18, 25 80:6 81:3,15,19 83:1 84:6,12 108:10 110:2,11 113:20 114:9,17 117:6 120:9 121:6,14 122:18 123:1 124:4,12,25 125:18, 19 126:15 127:5,11,25 128:15,23 129:2,13,16 130:2,10 131:6 132:22 134:2,5,7,11,24 138:10 139:7,18 140:1,12,24 141:16 142:1 143:19 144:24 147:20,23 148:7 149:5,23 150:8,21 151:19 152:1 153:3,5,19,25 154:2,8,25 155:2,13,19 156:10,11,13,15,20,24 158:7,24 159:1,11,14,24 160:7,9,23,25 161:7 163:15,17,24 167:20,23, 25 168:7 169:6,8,14,19, 20,25 170:1,2,17 179:1,3, 16 186:13 194:10,13 195:24 197:1,12,18 198:1, 5,25 199:7,14,17 200:14 <b>Baumann's</b> 45:12 48:5 108:19 110:21 117:21 119:6,14 122:21 125:16 140:9 142:14 143:17 150:23 151:15 160:12 163:3 186:14 196:21 197:9 198:9 <b>bay</b> 24:1 <b>bearing</b> 60:12 <b>before--and</b> 175:6 <b>begin</b> 119:18 <b>beginning</b> 119:6,18 130:24 157:9 <b>bell</b> 118:24 181:6 <b>belong</b> 74:8 79:22 <b>belonged</b> 85:13 <b>Ben</b> 181:21 <b>benefits</b> 34:8 146:18 <b>Benjamin</b> 181:19,21 <b>bickering</b> 106:2 <b>big</b> 178:25 <b>bigger</b> 120:19 <b>biggest</b> 51:18 55:21 <b>bill</b> 139:15 <b>Bindel</b> 168:5 171:3 <b>bird</b> 138:7,9 169:1 177:12,14 <b>Bishop</b> 208:14 <b>bit</b> 20:7 102:6,11 104:4 113:1,20 135:4 152:12 170:13 180:1 209:16 <b>Blake</b> 181:3,4 <b>blatantly</b> 33:9 <b>block</b> 113:12 190:21 191:2 <b>Blount</b> 174:19 <b>board</b> 126:4,8,11,13 183:3 <b>BOL</b> 139:15	<b>Bonnie</b> 110:7,14,18 111:13 113:16 168:19 171:15,17 175:11,14 <b>book</b> 129:4,13,15,22 130:4 <b>book's</b> 129:6 <b>bookkeeper</b> 66:15 67:2 79:16 87:20 143:6,9 144:21 146:15 <b>bookkeepers</b> 31:1,15,17 <b>border</b> 24:13 <b>border's</b> 24:11 <b>boss</b> 204:25 211:13,19 <b>bottom</b> 65:1 91:22 99:17 100:16 102:24 115:16 209:21 <b>bought</b> 38:15 98:9 195:1 200:8 <b>bouncing</b> 142:10 <b>box</b> 74:17 209:22 <b>boxes</b> 72:14 <b>brand-new</b> 206:8 <b>break</b> 6:19,21 64:9 69:22 111:15 124:22 125:15 126:3,14 127:8,15 148:12, 13 208:24,25 <b>breakdowns</b> 141:14 <b>breaks</b> 42:15 48:16 55:15 63:25 <b>Brewer</b> 182:15 <b>Brian</b> 45:4 80:11,13 103:7 <b>briefings</b> 19:22 <b>briefly</b> 6:8 <b>bring</b> 84:12,20 90:20,21 141:8 183:8 196:7 200:13 206:14 <b>bringing</b> 35:19 <b>broke</b> 60:10,11 64:11 171:14 185:1,2 <b>broken</b> 63:21 <b>brother</b> 211:14	<b>brought</b> 8:11 66:11 105:25 132:13 154:7 <b>browsing</b> 101:16 <b>Bryceton</b> 181:17,18 <b>budget</b> 16:14 <b>budgeting</b> 40:13 <b>budgets</b> 33:15 <b>building</b> 17:10 24:10,16 48:14,15,23,24 49:3 138:3 185:3 <b>built</b> 158:5 <b>bulldozer</b> 23:18 <b>bullet</b> 122:10,12 159:6 <b>business</b> 5:18 10:6,10 13:18 21:2 31:11 37:16 53:18 66:19 68:18,21 76:13,14 158:10 <b>businesses</b> 32:24 <b>busy</b> 190:16 194:8 <b>button</b> 115:8 <b>butts</b> 202:12 <hr/> <b>C</b> <hr/> <b>C-E-N-T</b> 5:19 <b>cake</b> 210:1,6,7 <b>calendar</b> 63:11 <b>call</b> 22:18,19 23:23 24:1 28:19,22 34:20 51:22 52:8 68:15,16 69:8 77:15 120:18 133:7 138:25 143:4 144:1 179:8 210:14 <b>called</b> 26:16 50:14 68:25 112:23 125:6,7,8 129:6 130:23 133:8 145:11 176:21 181:9 183:13 <b>calling</b> 132:2 180:6 <b>calls</b> 22:19 29:11 65:24 67:4,6 129:24 130:7,8,10 131:5,8,19 156:8,9,23 <b>calm</b> 106:1,4,13 <b>Campbell</b> 181:5
--	---	---

<b>Camrin</b> 168:5,15,16 171:3,7,8,10,20 <b>capability</b> 49:7 52:18 <b>capable</b> 49:21 53:4 54:5 <b>capture</b> 120:8 122:24 <b>captured</b> 74:13 89:1 91:9 <b>car</b> 187:2 <b>card</b> 173:9,10 <b>care</b> 169:5 176:18,20 207:14 <b>careful</b> 6:24 205:6 <b>Carson</b> 169:2,3 177:25 178:12,14,16 189:23 193:25 194:1 <b>case</b> 5:16,22 6:5 39:7 67:7 71:25 166:15 172:12 <b>catching</b> 152:16 <b>categories</b> 116:1 <b>caused</b> 156:22 <b>causing</b> 156:24 <b>cautioned</b> 202:2 <b>CDL</b> 25:17 175:21 <b>celebrate</b> 210:13 <b>celebrating</b> 210:16 <b>cell</b> 111:9 132:5,6 <b>CENT</b> 5:19 <b>central</b> 31:11 69:25 148:17 <b>certificate</b> 110:2,21 <b>certification</b> 18:9 <b>certified</b> 82:9 110:15 <b>chain</b> 45:11 134:6 215:4 <b>chance</b> 7:2 58:7 <b>change</b> 82:16 144:4 151:12 <b>changed</b> 44:13,14 95:25 176:17 <b>channel</b> 29:14 189:2 <b>charge</b> 41:25 133:24 152:24 153:21	<b>charged</b> 139:17 <b>chat</b> 26:15 29:1 68:3,14, 18,25 69:3,4,15,17 72:14, 18 73:18 75:2,8 79:7,8 86:8,21 87:12,15,24 88:1 89:6 90:2,18 93:7 94:4,5 97:9,10 101:4 104:12,23 129:17 180:5 209:17 <b>chats</b> 27:7 67:7,8,21,24 71:13 72:24 73:7 76:1,6 87:12 93:16 96:4,22,23 97:8 98:1 100:15,18,21 102:7,14,22 103:14,15,25 104:17,19,22 105:8 150:22 157:11 160:5 <b>check</b> 82:18 114:9,10 173:13 195:18 202:7 <b>checking</b> 139:18 <b>Cheri</b> 174:19 <b>cherry</b> 210:1,6 <b>Chester</b> 107:7 110:14 172:3,19 175:17 <b>choice</b> 154:9 <b>Christine</b> 40:17,24 98:13 131:25 136:6 148:2 154:6 168:12 171:17 174:4 179:15 193:5,19 <b>CILAS</b> 123:23 183:14,17, 18,23,25 184:3,6 <b>circle</b> 206:22 <b>citations</b> 151:25 152:3, 13,18,21 153:10,15 155:17 197:15 203:5,19 <b>civil</b> 16:4 <b>civilian</b> 17:16 <b>clarification</b> 102:17 <b>clarify</b> 209:7 <b>clarity</b> 40:7 <b>Clark</b> 171:7 174:16,18 <b>class</b> 40:11 48:1 <b>classes</b> 16:21,25 18:16 <b>clean</b> 9:2 <b>cleaning</b> 127:8 138:7	<b>cleans</b> 127:6 <b>click</b> 86:18 <b>clock</b> 125:10,11,19 <b>close</b> 24:12 98:24 138:1 167:10 <b>closeout</b> 66:1,6,24 <b>closer</b> 174:6,24 <b>closing</b> 9:2 <b>Closser</b> 186:24 187:1 190:2 <b>cloud</b> 115:6 <b>coal</b> 35:24 36:5 <b>collaborate</b> 76:21 127:22 128:3 140:18 141:11 <b>collaborating</b> 153:4,5 <b>collaboration</b> 26:12 123:20 <b>column</b> 58:16 63:24 64:5 162:18 <b>combat</b> 17:11 <b>combined</b> 188:1 <b>comma</b> 213:20,21 <b>command</b> 134:6 <b>comments</b> 135:19 <b>commercial</b> 10:6 <b>Commission</b> 5:20 <b>common</b> 164:1 167:11, 15 <b>communicate</b> 28:24 29:3 37:23 76:21,23 81:17 164:7 <b>communicated</b> 18:15 44:8 81:11 <b>communicating</b> 76:25 84:19 93:13 101:5 <b>communication</b> 27:19 28:6 29:14 76:18 128:7 209:20 212:8 <b>communications</b> 26:17, 19 76:20 102:14 128:9 209:21 211:6	<b>companies</b> 11:1,5,9,12, 18 23:13 162:3,8,13 <b>company</b> 5:17 10:21 11:15 12:7 14:9 23:23 31:21 32:1 38:16 39:20 41:1 52:13,14 53:9,24 56:14 81:24 98:9 108:16 132:11 174:17 186:1,18, 25 195:1,4 <b>company's</b> 108:17,23 155:22 170:23 <b>compile</b> 58:20 103:8,10 <b>compiled</b> 58:21 188:11 192:2 <b>compiling</b> 96:18 104:8 <b>complain</b> 157:14 214:1 <b>complained</b> 168:18,19 169:11 173:4 213:2 214:10,19,24 <b>complaining</b> 156:9 212:4 213:21 <b>complaint</b> 7:21 8:14,16 9:18 157:1 158:14 194:15 196:23 209:24 212:1 214:12,14 <b>complaints</b> 135:16,25 136:14 150:19 152:25 156:25 197:19,20 198:25 199:16 201:18,23 212:15 <b>complete</b> 128:1 215:19 <b>completed</b> 138:23 140:21 <b>completely</b> 36:17 156:2 <b>compliance</b> 47:6 48:4 82:8 127:23 128:4 129:14 153:20 <b>computer</b> 7:19 8:2,19 10:5 62:10 63:1,2 104:9 118:21 131:3 <b>computer-in-the-office- based</b> 130:20 <b>computer-savvy</b> 60:3 <b>concern</b> 157:3,12,15 167:25 <b>concerned</b> 175:8 201:22
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<b>concerns</b> 156:24 172:13 174:1,2,8 176:7 178:3 182:20 185:9 199:7,10,18 200:15 201:17,19 <b>concluded</b> 215:22 <b>condition</b> 7:12 <b>conditions</b> 50:10 <b>conducted</b> 72:20 <b>conducting</b> 5:15 <b>conference</b> 22:18 <b>confirm</b> 161:18 <b>conflict</b> 170:21 <b>confrontation</b> 203:7 206:6 <b>confused</b> 102:10 <b>connected</b> 48:24 <b>consideration</b> 50:1 155:8 156:17 200:25 202:14 <b>considered</b> 14:19 81:21 125:17 <b>construction</b> 17:7 <b>consult</b> 173:16 <b>consulting</b> 12:1,2,9,12 193:12 <b>contact</b> 30:21,22 164:5 201:9,11 <b>contest</b> 203:15,21 <b>contesting</b> 203:17 <b>context</b> 16:20 94:12 <b>continue</b> 64:15 68:2 <b>continuing</b> 42:6 192:18 <b>contract</b> 17:17 <b>contractor</b> 57:13 67:15 80:23 177:10 <b>contractors</b> 31:24 32:5 67:13 68:9 <b>control</b> 42:20 54:25 58:3 61:17 63:3 70:20 85:25 86:13 87:7 88:15 90:17 92:4,6 93:2 95:20 97:6 103:23 105:14 109:22	116:16 118:20 121:25 123:8,9,12,13,18 125:17 126:3 127:14 130:18 132:14 133:2,16 134:21 137:7 138:12 142:14 146:7 150:10 151:5,8 158:20 162:24 166:21 184:5 191:17 192:13,14, 15 200:21 208:11 210:17 212:21 214:5 <b>control--like</b> 54:13 <b>controlled</b> 68:22 <b>controlling</b> 137:7 <b>conversation</b> 114:18 151:7,10 192:18 199:22, 24 205:13 206:4 210:20 214:17 <b>conversations</b> 101:1 118:3,16 128:22 151:21 169:17 206:21 207:10 <b>Cooperate</b> 123:25 <b>coordinates</b> 138:25 <b>coordinator</b> 176:14 177:9 182:23 <b>copied</b> 72:11 <b>copied/paste</b> 72:9 <b>copies</b> 112:17 162:15 188:20 <b>copy</b> 60:20 61:1 65:20 76:1,5 87:11 90:1 91:19 92:16 93:15 97:22,25 100:20 101:9 103:15 105:7 107:17 108:22 110:20 115:11 117:24,25 119:19 143:16 144:23 192:10 196:7 208:14 <b>copy/paste</b> 96:12 103:13 <b>corporation</b> 10:20 41:7 <b>correct</b> 5:23,24,25 8:17, 21 20:1,13 23:10 27:18 28:9 43:16 45:17,21 46:4 51:17 53:16 54:15,16 58:23 59:10 72:16 73:21 74:1,23 75:17,18 76:13,19 78:12 83:13 87:5 88:22 91:10 93:25 96:19,20 97:14,16 99:4 100:22 105:9 113:4,21 115:4	117:1 125:21 127:24 138:11,17,18 142:16,21 161:22 162:19 164:23,24 165:21 170:18 187:14,15 188:13 209:9,10 <b>correctly</b> 15:19,22 40:18 52:16 54:3 65:7 87:6 114:19 148:2 154:6 168:22 171:9,12,19 173:20 174:7 176:16 178:15 179:2 180:14 183:1 185:6,22 186:2 196:5 <b>correlate</b> 115:24 <b>correlates</b> 154:21 <b>correlation</b> 214:23 <b>cost</b> 56:22 57:5 <b>costs</b> 175:9 <b>counsel</b> 22:5 43:18 <b>counseled</b> 149:13 153:16,24 168:22 181:22 <b>counseling</b> 44:1,2,3,7 45:18 46:11,14 124:3 128:21 129:24 130:7,8 131:5 151:11,24 <b>count</b> 133:21,23 137:17 <b>County</b> 23:15 24:9 <b>couple</b> 11:22 18:7 20:25 23:2 28:18 29:15 36:19 39:25 78:5 93:3 186:13 209:4 <b>court</b> 6:25 7:5 <b>cover</b> 23:25 <b>covered</b> 40:25 <b>crazy</b> 72:10 167:7 <b>create</b> 72:4 88:1 163:23 <b>created</b> 8:15 71:5 76:2,8 88:5 106:22 108:13 117:2, 5 <b>creates</b> 87:24 <b>creating</b> 105:23 <b>credit</b> 173:9,10 <b>criteria</b> 34:18 78:21,24 79:5	<b>critiqued</b> 37:21 <b>crusher</b> 25:9 <b>crushing</b> 137:10 <b>cumulative</b> 145:18 146:20 <b>current</b> 43:3,4 106:15 <b>customer</b> 42:2 63:13 137:5,15 138:19,25 183:11,20,22 <b>customers</b> 50:9 55:13 64:4 183:24 <b>customs</b> 138:8 <b>cut</b> 20:6 <hr/> <b>D</b> <hr/> <b>d/b/a</b> 167:2 <b>daily</b> 19:23 26:2,9 27:13 28:14,15 56:25 57:4 58:24 59:2 62:2 63:6 111:4,8 113:25 130:11 <b>Dakota</b> 182:9 <b>Dallas</b> 168:21 <b>danger</b> 132:22 <b>dash</b> 78:8 93:22 <b>data</b> 58:20,22 59:25 60:2 62:7,11,17,21 63:1,5 112:6 113:3,13 130:11 151:23 <b>database</b> 65:16 77:21 89:24 112:6,7,13 <b>date</b> 58:15 61:24 63:10 74:5 78:1 95:8 107:3 111:14 113:8 115:9 118:15 129:24,25 130:3 150:12 154:14 159:1 179:5 195:18 212:1 <b>dates</b> 78:23 99:8 122:19, 21 140:4 144:15,17 166:24 202:7 <b>day</b> 9:11 22:23 23:1,3,4 27:17 39:1,8 41:17 42:4, 11 48:7,11,12,14 49:22, 23,24 50:8 53:5,22 54:4,7, 8 55:2,12 56:20,22 59:14
---	---	---	---

<p>62:8 63:8 64:15 98:23 99:13 105:21 119:11 126:5 127:3,10 128:13 135:2 141:21 145:7 154:1, 3 173:22 179:25 203:19 210:10 211:11,15</p> <p><b>days</b> 21:1,12,13,20,24 23:2 54:22 55:4,5 73:8 137:15 143:21 145:7 165:5,17 180:19 181:2 186:13</p> <p><b>deadline</b> 87:10</p> <p><b>deal</b> 19:21</p> <p><b>dealing</b> 10:1 31:15 33:14 40:11 41:4 82:24 157:9 160:7 177:20 189:16</p> <p><b>deals</b> 160:23</p> <p><b>dealt</b> 16:6 17:19 19:24</p> <p><b>Debt</b> 13:11</p> <p><b>December</b> 109:8</p> <p><b>decided</b> 154:1</p> <p><b>deciding</b> 157:20</p> <p><b>decipher</b> 160:17</p> <p><b>decision</b> 33:11 34:13 40:6 148:6 151:19 158:25 159:1</p> <p><b>decisions</b> 33:19</p> <p><b>Deedyco</b> 161:24,25 162:5,7,9,10</p> <p><b>DEF</b> 185:3</p> <p><b>defecate</b> 138:4</p> <p><b>Defense</b> 15:13</p> <p><b>definition</b> 46:5</p> <p><b>degree</b> 10:5 18:8</p> <p><b>degrees</b> 10:3 54:17,20</p> <p><b>delayed</b> 64:5</p> <p><b>demand</b> 24:3 42:2 55:11</p> <p><b>demeanor</b> 151:12 205:14,15</p> <p><b>density</b> 51:8</p> <p><b>department</b> 5:12,14 13:6 15:13,14 57:14 82:6</p>	<p>138:24 139:8 189:17,20</p> <p><b>depend</b> 104:18</p> <p><b>depended</b> 17:9</p> <p><b>dependent</b> 173:8</p> <p><b>depending</b> 17:17 22:7 23:1 59:24 67:1</p> <p><b>depends</b> 15:3 20:19 27:24 28:12 48:10 51:4,6 66:15 165:25</p> <p><b>deployed</b> 18:22</p> <p><b>deposition</b> 5:15 6:1,4,8 7:16 8:20,24 9:5,13,14,21, 22 215:17,22</p> <p><b>describe</b> 32:18</p> <p><b>describing</b> 37:14 44:11</p> <p><b>description</b> 39:3 41:15 183:15</p> <p><b>desire</b> 98:17</p> <p><b>Detached</b> 49:4</p> <p><b>detail</b> 120:16 159:8</p> <p><b>details</b> 22:12 48:2 119:4 120:23,25 144:16,24 161:4</p> <p><b>development</b> 124:2</p> <p><b>diesel</b> 184:25 185:3</p> <p><b>difference</b> 24:8 92:8</p> <p><b>differently</b> 85:17</p> <p><b>difficult</b> 55:24 207:10</p> <p><b>Dillingham</b> 161:17 162:17</p> <p><b>direct</b> 12:19 28:22 31:21 44:18,19 45:12 47:2,3 74:10 99:15 174:21 180:6</p> <p><b>directing</b> 141:10</p> <p><b>directly</b> 44:24 45:17 46:3 72:14 112:2 164:5 169:21 179:17 180:7</p> <p><b>disappears</b> 132:19</p> <p><b>disciplinary</b> 108:17 191:20 192:3,10 193:3</p> <p><b>discipline</b> 108:16 193:9</p>	<p><b>disciplined</b> 106:24 153:15,16 193:6</p> <p><b>discomplaint</b> 156:13</p> <p><b>discovery</b> 59:10 71:25 76:2,9 102:1 143:14 144:20 188:11,21 192:4, 11</p> <p><b>discrimination</b> 158:15 212:6</p> <p><b>discuss</b> 34:7 129:17,21</p> <p><b>discussed</b> 22:4 66:11,16 76:11 121:3 155:12 209:20 212:7</p> <p><b>discussion</b> 93:23 94:6 99:21</p> <p><b>disgusted</b> 204:15</p> <p><b>dislike</b> 156:15</p> <p><b>disrespectful</b> 179:1</p> <p><b>district</b> 203:7,9 207:22</p> <p><b>divide</b> 57:3</p> <p><b>dock</b> 111:25</p> <p><b>docket</b> 5:18,22</p> <p><b>document</b> 38:24 44:9 58:6,9,12,23 59:3,9 60:19, 20 61:1,12,14,18,20 62:6 65:14 70:21,23 71:3,5,15, 16,17,18,19,22 72:4 75:24 76:8 85:19,20,25 86:2,3, 25 87:4 88:9,10 89:3,4 90:7,8,16,19,22 91:1,2 92:23 93:2 95:6,17,22 96:13,19,22 97:5 100:1,7, 11 101:15,19,25 102:3 103:12,20,22 104:2 105:12,16 107:24 108:6, 13 109:2,16,22,24 110:24 111:3,6 112:3,24 115:2 116:6,8,16,18,19 117:2, 20,24 118:5,11,14,17 120:8,11,12 121:4,19,21 122:2,5,25 123:4 133:14 141:24 144:6,7,12 145:19 146:3,9,20,24 147:5,9,12, 13,18,20 148:11 158:17 160:2,21,22 161:9,12 162:21,22 163:1,5 164:11 187:17,18,24,25 188:2 191:24 194:9 196:12,16,</p>	<p>19 197:7 208:2,6,21 215:10</p> <p><b>documentation</b> 45:6 52:22 159:18 160:14</p> <p><b>documented</b> 66:8 149:9 151:1</p> <p><b>documenting</b> 53:10 133:10</p> <p><b>documents</b> 7:18,23,24 8:2,3,23 44:15 45:4 52:6, 20,23,24 53:7 58:11 72:21,22 102:13 117:4 118:1,2,4,6 119:13,20 137:14 143:13 161:6,16 177:24 183:9 184:7 188:7 192:3</p> <p><b>doer</b> 135:12</p> <p><b>domain</b> 162:11</p> <p><b>Don</b> 14:4 26:3 27:12 43:4, 23 44:24 45:7 78:13,15 80:20,22 81:1 82:22 84:25 121:15</p> <p><b>door</b> 138:13,14 157:16 158:10 203:25</p> <p><b>doors</b> 138:2</p> <p><b>Dorn</b> 198:20</p> <p><b>dot</b> 209:25</p> <p><b>Doug</b> 53:17</p> <p><b>drafted</b> 163:5,11</p> <p><b>Drake</b> 44:20 52:5,7 53:3, 15 57:10 133:5 195:3,9 196:6,7 211:24</p> <p><b>dried</b> 24:2</p> <p><b>drive</b> 25:18</p> <p><b>driven</b> 42:1,2</p> <p><b>driver</b> 126:7</p> <p><b>drivers</b> 139:14</p> <p><b>dropping</b> 54:17</p> <p><b>droppings</b> 138:7</p> <p><b>drops</b> 54:19 138:5</p> <p><b>dry</b> 54:23 139:10,11,18</p> <p><b>drying</b> 23:22,24 25:19 36:22 84:21</p>
--	--	--	---

<p><b>due</b> 98:24</p> <p><b>dump</b> 23:19,20 24:4 25:18</p> <p><b>Duran</b> 170:16</p> <p><b>dust</b> 18:24 199:11,13,16 200:19 211:16,17</p> <p><b>duties</b> 37:24 38:25 41:14, 22 44:4,11,13 47:6,9 82:2 116:20 117:20 119:20 120:9 121:13 122:17,22, 24,25 123:4,7 124:13 128:14 134:11,18 135:14 166:24 175:2</p> <p><b>duty</b> 128:1</p> <p><b>dynamics</b> 43:2</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>earlier</b> 64:9 116:20 148:25 157:5 162:3 164:21</p> <p><b>early</b> 55:5 211:13</p> <p><b>easier</b> 70:11 188:3 191:22</p> <p><b>easiest</b> 178:11</p> <p><b>easily</b> 126:12</p> <p><b>east</b> 111:22</p> <p><b>Eastern</b> 70:1</p> <p><b>easy</b> 207:7</p> <p><b>edit</b> 120:12</p> <p><b>edited</b> 117:4 120:20</p> <p><b>edits</b> 190:25</p> <p><b>educate</b> 207:14</p> <p><b>education</b> 9:24 18:6</p> <p><b>education-wise</b> 10:8</p> <p><b>effect</b> 108:10,19</p> <p><b>efficiently</b> 140:17</p> <p><b>eight-hour</b> 49:25 50:2 54:10 65:13</p> <p><b>eight-hour-shift</b> 54:7</p> <p><b>EI</b> 18:12</p>	<p><b>elaborate</b> 202:5</p> <p><b>Elaine</b> 5:13</p> <p><b>elderly</b> 176:18,19</p> <p><b>elected</b> 194:19</p> <p><b>elevate</b> 27:13</p> <p><b>else's</b> 75:1</p> <p><b>email</b> 28:23,25 70:24 161:17,18,21 166:25 208:7,9,14</p> <p><b>emailed</b> 147:21</p> <p><b>emails</b> 161:21 162:16 195:22</p> <p><b>embarrassed</b> 204:11</p> <p><b>emergency</b> 77:12,15</p> <p><b>employed</b> 10:13 46:8,10 80:9 81:24 83:2 89:19 93:25 95:11,13 120:10 121:6,14 122:19 131:6 140:2 167:1 172:7 187:13 198:2,7 199:8</p> <p><b>employee</b> 22:10 28:22 33:2 34:22 36:8,9 38:14, 25 46:9,25 47:4 67:15,20 69:4 74:12 75:10 80:14 108:7,9,10,23 109:5 134:14 164:22 171:21 174:21 176:9 184:17 187:5 189:15 190:12 193:7,10</p> <p><b>employee's</b> 46:10 188:25</p> <p><b>employees</b> 12:19 24:19 29:3,5 30:15 31:21 33:3 34:15 35:9,14 37:13,19, 22,23 39:12 43:17 44:16, 21,24 45:7,15,21 46:4,6 50:17 51:20 53:2 62:10 65:24 67:5,9,12 68:9 74:4 76:18 87:16 96:23 105:2 117:12 125:4,10,19 134:19 143:20 156:1 157:15 164:12 165:11,15 167:4,8,12 168:1 169:10, 11 201:4 202:2,11,25 204:21 205:6,10,16</p> <p><b>employees'</b> 179:11</p> <p><b>employment</b> 44:13 48:5</p>	<p>56:3 80:24 108:20 117:21 119:7,15 122:20,22 123:1 140:4 142:23 145:20 147:14 148:6 162:2 165:2, 5 166:25 168:2 173:21 185:7 198:9 199:2</p> <p><b>employs</b> 39:10</p> <p><b>empty</b> 139:13</p> <p><b>end</b> 63:13 112:18 119:7, 14 124:21 127:3 207:23</p> <p><b>end-of-week</b> 66:1</p> <p><b>ended</b> 15:22</p> <p><b>enforcement</b> 127:20</p> <p><b>enrolled</b> 18:16</p> <p><b>ensure</b> 42:5 47:6 127:23 129:14</p> <p><b>entail</b> 66:5</p> <p><b>entire</b> 25:25 36:23 127:16 137:1 150:4</p> <p><b>entitled</b> 94:8,17</p> <p><b>entity</b> 10:17,19 12:14 161:25</p> <p><b>entry</b> 24:24</p> <p><b>environment</b> 36:3 41:19 132:20</p> <p><b>environmental</b> 36:14 81:25 127:22 128:8</p> <p><b>EPA</b> 82:5</p> <p><b>equipment</b> 16:18 17:10 25:14,16 57:11 114:2 127:6 132:21 175:21</p> <p><b>equity</b> 13:11</p> <p><b>established</b> 24:23 37:17 39:22</p> <p><b>establishing</b> 30:21</p> <p><b>evening</b> 50:3 138:4</p> <p><b>event</b> 157:23</p> <p><b>events</b> 63:25 160:18</p> <p><b>eventually</b> 25:13 29:7 46:22 201:13 214:5</p> <p><b>everybody's</b> 107:12 202:23</p>	<p><b>exact</b> 61:9 195:18</p> <p><b>exam</b> 111:5,15 113:17 114:8 115:12</p> <p><b>EXAMINATION</b> 5:5</p> <p><b>Examine</b> 111:21,24</p> <p><b>examined</b> 5:3</p> <p><b>exams</b> 111:8,10 113:20 152:7</p> <p><b>excavate</b> 23:17 25:17</p> <p><b>excited</b> 210:9,16 211:10</p> <p><b>excuse</b> 39:9 57:10</p> <p><b>exhibit</b> 57:22,23 58:1,6 61:15,16 62:4 70:16,18 75:24 78:7 85:22,23 88:11,12 90:9,10,12,16,21 91:8 92:2,3,24,25 93:22 95:17,18 96:2 97:3,5 100:2,3 101:20,21 103:21, 22 105:12,13,17 107:25 108:1 109:17,18 110:25 111:1 116:8,13,14 121:22, 23 142:11,12 144:8,9,13 146:5,6 147:9,11 158:17, 18 161:13,14 162:22,25 166:19,23 187:19,20,25 188:3 191:15,16,18,19,22 196:13,14 208:2,3 209:14, 19</p> <p><b>existence</b> 37:10</p> <p><b>expanded</b> 37:15</p> <p><b>expect</b> 27:7,9 34:10 41:17,21 173:15 201:11</p> <p><b>expectation</b> 63:4 201:8</p> <p><b>expected</b> 39:1 124:16 140:10</p> <p><b>expenses</b> 57:1</p> <p><b>expensive</b> 139:25</p> <p><b>experience</b> 14:22 15:15 18:5 19:1 20:2,10 25:1 34:16,19,23 35:10,13 40:9,11,12,14 41:6,8,9,11 43:10 46:21 47:17,23,24 50:16 51:19 52:3 57:20 82:7 98:12 124:4 134:24 165:3,6,7,9 167:14 168:20,21 174:12 193:21</p>
--	---	--	---



<b>experienced</b> 38:16 41:3 50:13,14 53:21 55:23 123:13 124:6  <b>explain</b> 64:4 85:9 130:14, 15  <b>explained</b> 38:3 114:23 118:2 129:3 139:21 175:17 202:20  <b>explaining</b> 36:16  <b>explanation</b> 90:12  <b>export</b> 63:19  <b>expressed</b> 201:17,19  <b>expressive</b> 156:12,15  <b>external</b> 28:25  <b>extra</b> 166:17  <b>eyes</b> 204:18	<b>feed</b> 212:11,14,18  <b>feedback</b> 37:21 43:25 136:12  <b>feeding</b> 212:16  <b>feel</b> 71:10,20 150:20 205:10  <b>feet</b> 49:1  <b>Fellers</b> 182:9  <b>felt</b> 205:16  <b>field</b> 203:11  <b>fields</b> 12:2,4  <b>fight</b> 106:3  <b>figure</b> 18:23 62:22 167:22  <b>file</b> 129:25 130:3 188:25 191:21  <b>files</b> 189:3 192:6  <b>fill</b> 64:2 130:16  <b>filled</b> 63:5 192:22  <b>filling</b> 63:4 113:3 123:22  <b>fills</b> 112:6  <b>financed</b> 13:10  <b>financials</b> 30:25 32:13  <b>find</b> 18:14 73:23 94:22 129:8 152:15 182:5 207:6, 7  <b>finding</b> 165:2 203:14 204:23  <b>findings</b> 203:24  <b>fine</b> 10:9 83:20 120:4 188:6  <b>finish</b> 6:20 115:17  <b>finished</b> 63:12 127:9 137:23,24 181:15  <b>finishing</b> 127:1  <b>fire</b> 206:16  <b>firing</b> 43:20,25  <b>first-hour</b> 126:22  <b>fishing</b> 68:20  <b>fit</b> 117:4	<b>fitting</b> 152:8  <b>fives</b> 210:14  <b>fix</b> 141:4 152:1 155:20 157:17,21 167:22 184:10 199:3,6 200:12,15,22 206:19  <b>fixed</b> 60:13 167:23  <b>floor</b> 81:18,19,20 111:17, 19,22 138:5  <b>Florida</b> 9:6 20:13,14,18  <b>flowing</b> 26:17 185:15  <b>flu</b> 138:9  <b>fluctuates</b> 50:23  <b>fluid</b> 185:4  <b>fly</b> 138:3  <b>focus</b> 16:11  <b>focused</b> 16:2  <b>focuses</b> 32:20  <b>folder</b> 190:24 191:7  <b>folders</b> 117:14 197:16  <b>follow</b> 114:16  <b>follow-on</b> 91:7 92:19  <b>Fondren</b> 114:15 136:1 156:14 170:4,5 186:1,2,9  <b>food</b> 210:5  <b>force</b> 76:15  <b>forecast</b> 49:23 55:6,11  <b>forecasted</b> 49:7,19,20  <b>forecasting</b> 55:10  <b>forgot</b> 130:15  <b>forklift</b> 25:8 38:9 114:7 126:6,23 141:8  <b>forklifts</b> 134:23  <b>form</b> 111:8,14 112:4,5,11, 15,17,18 115:8 121:5 126:17 190:6  <b>formal</b> 36:8 149:14,16,19, 24  <b>format</b> 88:20,25	<b>formatting</b> 86:9,23 193:23  <b>forward</b> 41:1 42:6 66:11 106:1 154:15 200:13  <b>found</b> 52:24 171:25 172:21 173:20 174:23  <b>founded</b> 23:12  <b>founders</b> 13:4  <b>fourth</b> 166:17  <b>Frank</b> 170:16  <b>free</b> 71:10,20  <b>frequent</b> 76:18  <b>freshly</b> 53:18  <b>Friday</b> 66:2,3 141:20  <b>friend</b> 99:18  <b>Frito-lay</b> 19:6,18  <b>front</b> 7:22 8:4 24:9 112:18 204:25  <b>front-end</b> 23:18  <b>front-facing</b> 112:5  <b>fuel</b> 57:5 185:1  <b>fulfill</b> 41:22  <b>full</b> 5:8,10 7:9,14 139:14 141:21 206:11  <b>fully</b> 165:12,14  <b>funded</b> 13:12  <b>funding</b> 13:24  <b>funds</b> 13:16,21,22
<b>F</b>			
<b>face</b> 136:3 204:16  <b>fact</b> 118:19  <b>factored</b> 51:12  <b>factors</b> 40:15 54:12,24 160:13 161:8  <b>fail</b> 155:22  <b>failed</b> 175:22  <b>fair</b> 73:17  <b>fairly</b> 21:9 166:5  <b>fall</b> 55:5  <b>falls</b> 206:10  <b>familiar</b> 17:14,22,23 105:16 146:10  <b>familiarize</b> 35:14  <b>family</b> 174:7  <b>farmer</b> 47:22  <b>farming</b> 47:23  <b>Fatal</b> 69:9  <b>February</b> 90:4 92:17  <b>Federal</b> 5:19			
<b>G</b>			
			<b>Gage</b> 89:15,17 90:2 91:3, 6,12,20 169:24 185:5,6 205:23 206:1,5,8,13,14,16  <b>garage</b> 24:16 185:2  <b>gas</b> 185:1,4 206:15  <b>gather</b> 188:23  <b>gathered</b> 144:19 188:12, 14  <b>gave</b> 6:13 56:3 129:5

<p>191:19</p> <p><b>general</b> 6:24 17:6 35:18 49:13</p> <p><b>generally</b> 26:8 41:25 96:4 180:4</p> <p><b>generate</b> 112:24 115:9 183:20</p> <p><b>generated</b> 52:24 130:14</p> <p><b>generation</b> 40:12</p> <p><b>generic</b> 68:21</p> <p><b>gentleman</b> 52:5</p> <p><b>gentlemen</b> 51:24</p> <p><b>geology</b> 18:5,16</p> <p><b>get all</b> 37:4 183:5</p> <p><b>Giberti</b> 181:7</p> <p><b>give</b> 6:12 7:2,8,13 9:14,24 16:19 46:5 48:2 50:2 55:13 61:17 85:24 88:14 90:16 92:4 93:2 94:12 97:6 100:5 101:23 103:23 108:3 111:2 120:1 124:4 144:11 160:24 161:6 162:23 183:20 189:19 192:13,15 196:9 201:20 208:11 210:14 211:5 215:13</p> <p><b>giving</b> 17:3 30:22 75:1 92:5 133:21 184:2</p> <p><b>goal</b> 50:19 51:3,15 55:8</p> <p><b>goals</b> 51:12 55:9 56:10</p> <p><b>good</b> 5:7 56:7,12 83:3 85:11 121:7 148:12 152:10 154:8 155:16 169:6 176:9 201:16 204:14 211:15 212:13 213:14</p> <p><b>gossiping</b> 105:23</p> <p><b>government</b> 13:23</p> <p><b>grab</b> 148:14</p> <p><b>grades</b> 51:5,6</p> <p><b>grays</b> 89:14</p> <p><b>greasing</b> 126:20</p> <p><b>great</b> 33:23 46:15 175:14</p>	<p>211:14</p> <p><b>ground</b> 6:7 35:19 36:25</p> <p><b>group</b> 26:15 29:18 68:3, 14 69:18 74:13,21 78:11 79:8 80:19 81:7 82:14,20 83:1,12,18 84:13 85:4 87:12,15 88:1 94:1,3,4,5 97:9 100:23 101:1,4 104:12,17,22,23 105:1,8 129:17</p> <p><b>group's</b> 27:4</p> <p><b>groups</b> 74:11 78:6 79:21 83:6 85:8,13 87:24 180:5</p> <p><b>grow</b> 214:4 215:2,5</p> <p><b>growing</b> 83:4 150:18</p> <p><b>growth</b> 46:11 140:14</p> <p><b>Guard</b> 15:14,20</p> <p><b>guarding</b> 18:3 19:25 38:10 114:2 129:15,19,22 152:6</p> <p><b>guards</b> 152:11</p> <p><b>guess</b> 5:9 21:3 30:8 33:9 46:6 65:15 67:16 74:7 79:7 84:8,11 94:13 104:17,19 110:21 115:3, 16,21 131:7 143:3 150:11 151:14 157:24 160:19 163:25 169:8 186:9 189:2, 9 190:18 193:4 205:4 210:22 213:20</p> <p><b>guessing</b> 12:23 212:12</p> <p><b>guidance</b> 52:2</p> <p><b>guide</b> 42:3 98:15</p> <p><b>guideline</b> 64:13</p> <p><b>guidelines</b> 51:24</p> <p><b>guy</b> 30:18,19 48:18 80:23 141:2,10 154:23 155:4,5 169:5 170:2 175:10 205:22 206:8,9,12,15,18 210:5</p> <p><b>guy's</b> 136:2</p> <p><b>guys</b> 25:13 69:10 87:20 106:4 107:9 126:9,14 129:21 135:1 138:6 152:5 157:8 169:23 170:11</p>	<p>178:25 179:22 182:6 185:12 195:12 197:4 202:14 205:13 206:25 207:3 213:16,25 214:3 215:2</p> <p><b>Gwen</b> 83:25 84:8</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>Hale</b> 14:4 21:8 26:3,24 27:12 43:4,23 44:1,7,20, 24 45:7 80:22 121:15</p> <p><b>half</b> 24:6 55:25 69:21 139:14</p> <p><b>hand</b> 30:8,10,11 163:21</p> <p><b>handbook</b> 108:8,9,23 109:5</p> <p><b>handed</b> 147:22 163:16</p> <p><b>handled</b> 171:16</p> <p><b>handles</b> 31:25 123:22</p> <p><b>handling</b> 32:2</p> <p><b>hands-on</b> 33:18 133:13, 20</p> <p><b>happen</b> 51:1 55:14 110:19 153:22</p> <p><b>happened</b> 13:1 69:11 77:9 137:19 139:24 152:2</p> <p><b>happening</b> 48:12 66:9</p> <p><b>harder</b> 152:19</p> <p><b>hailed</b> 202:13</p> <p><b>have--they</b> 64:14</p> <p><b>head</b> 20:5 35:6 53:20 86:4 95:1 135:18 136:17 149:11 204:16 206:17 207:23</p> <p><b>health</b> 5:20 36:14 81:4,25 110:9</p> <p><b>hear</b> 177:2</p> <p><b>heard</b> 194:13 204:20</p> <p><b>heat</b> 54:23 55:1,4</p> <p><b>heavy</b> 16:17 17:10 25:14, 16 54:22 57:11 175:21 210:5</p>	<p><b>heel</b> 56:6</p> <p><b>height</b> 199:24</p> <p><b>held</b> 165:4</p> <p><b>helicopter</b> 10:6</p> <p><b>helpful</b> 116:5 150:21</p> <p><b>helping</b> 130:19</p> <p><b>hey</b> 27:2 69:10 81:12 114:4 132:23 134:25 140:25 201:14 204:2 206:5 211:4,13,14 212:2</p> <p><b>high</b> 9:25 22:10,11 48:1 50:17 149:22 200:3,9 210:14</p> <p><b>high-school-graduate-educated-level</b> 41:5</p> <p><b>highlight</b> 96:9</p> <p><b>highlighted</b> 72:8 96:6,14 102:25</p> <p><b>highlighting</b> 96:15 99:18</p> <p><b>highly</b> 168:6</p> <p><b>highs</b> 200:11</p> <p><b>hire</b> 16:21 33:23 34:4,6, 12,15 38:18 39:23 40:4,8 43:10 148:7 172:11 184:10</p> <p><b>hired</b> 21:8 22:13 27:8 34:22 39:4 40:18,23 41:7 98:7,19 143:2 147:23,24 148:1 158:12 165:10 175:18,25 184:19 206:12 215:7</p> <p><b>hires</b> 36:19</p> <p><b>hiring</b> 30:15,18 33:2,3,19 40:15 43:19,25 46:24 143:1</p> <p><b>history</b> 9:24 50:13</p> <p><b>hit</b> 72:24 73:18 96:24 103:3</p> <p><b>hits</b> 73:5 96:16 102:23 103:16</p> <p><b>Hmm</b> 86:17</p> <p><b>Hodge</b> 176:16 177:18 179:20 189:25</p>
---	--	---	---

<b>hold</b> 141:9 168:14 171:8 202:21 <b>holds</b> 189:3 <b>holdup</b> 57:16,20 <b>home</b> 20:15 127:4 130:16 138:2 166:25 174:24,25 176:20,25 177:4,6 <b>honest</b> 69:1 150:13 207:2,20 <b>Honestly</b> 135:15 <b>hooray</b> 210:14 <b>Hoover</b> 38:14,20 60:2 97:10,22 98:1,7 100:21 101:10 107:6 114:15 118:23 119:2 121:2 123:19 131:23 132:18,24 133:4 136:1 150:22 155:10 156:9,12 158:7 179:16 185:13 190:3 191:9,10 205:11,21 <b>Hoover's</b> 98:6 154:23 155:1 <b>hope</b> 120:25 167:13 <b>hospital</b> 185:21,25 <b>hostility</b> 105:24 <b>hot</b> 206:17 <b>hothead</b> 206:16 <b>hounding</b> 126:9 <b>hour</b> 50:2,3,15,20 64:12 69:21 127:4 142:21 145:6, 15 211:5 <b>hours</b> 11:22 49:24 50:4,7 77:9 94:11,20 124:12 125:1,3 142:1,2 145:20 146:15,16,17 182:19 <b>hours--60</b> 64:13 <b>house</b> 130:17 <b>HR</b> 189:2 <b>humidity</b> 50:24 54:6,21, 22 <b>humidity--that</b> 54:14 <b>hundred</b> 49:1 77:6 199:4 <b>hurdle</b> 51:18	<b>hurry</b> 192:22 204:3 <b>hurt</b> 114:3,25 <b>husband</b> 177:20 178:15, 16 <hr/> <b>I</b> <hr/> <b>idea</b> 49:12 131:20 <b>ideal</b> 50:10 <b>identification</b> 58:1 61:16 70:18 85:23 88:12 90:10 92:3,25 95:18 97:3 100:3 101:21 103:21 105:13 108:1 109:18 111:1 116:13 121:23 142:12 144:9 146:6 147:11 161:14 162:25 187:20 191:16 196:14 208:3 <b>identify</b> 25:16 166:24 <b>illness</b> 7:13 <b>imagine</b> 80:22 <b>impair</b> 7:13 <b>impetus</b> 155:14 <b>in-house</b> 184:1 <b>inclined</b> 82:13 <b>include</b> 159:10 <b>included</b> 79:2 <b>includes</b> 41:23 <b>including</b> 102:14 122:19 160:13 161:8 165:7 <b>incorrect</b> 95:10 <b>indication</b> 197:1 <b>individual</b> 34:7 38:11,13 88:2 167:1 189:4,10 191:20 194:19 210:9 <b>individually</b> 181:22 <b>individually--to</b> 33:16 <b>individuals</b> 35:25 188:10 196:2 <b>industries</b> 12:6 <b>industry</b> 12:6 <b>influence</b> 7:11	<b>information</b> 30:22 49:11 52:25 53:19 59:1,2,6,8 112:2 124:11 159:4 160:25 170:15 179:9,11 191:10 211:23 <b>informed</b> 26:18 197:8 <b>initial</b> 30:21 143:1 147:14 154:14 <b>initially</b> 125:16 <b>ink</b> 192:23 <b>input</b> 62:11,17,22 63:1 113:13 154:23 <b>inputs</b> 62:7 <b>inputting</b> 59:25 100:25 112:2 130:11 <b>inquired</b> 195:22 <b>inspection</b> 91:6 111:14 114:1,20,21 126:23 197:25 198:10,16 201:6,9, 12,15 202:9 205:19 <b>inspections</b> 102:15 114:11 126:23 156:7 197:23 198:2,6,23 201:2 203:4,13 <b>inspector</b> 152:12 198:19, 20 202:10,24 203:18 205:3 <b>inspector's</b> 201:14 <b>inspectors</b> 102:16,18 157:10 202:4 205:7 206:2, 7 207:11,17 <b>instance</b> 73:21 <b>instant</b> 77:10 <b>instruct</b> 163:18 <b>instructed</b> 64:1 <b>instructing</b> 152:5 <b>instructions</b> 133:13 <b>instructor</b> 15:12,25 <b>insurance</b> 57:5 <b>intelligent</b> 175:10 <b>intent</b> 46:24 <b>interest</b> 11:4,12,15	<b>internal</b> 29:1 30:25 76:20 <b>internally</b> 32:3 <b>internet-based</b> 130:20 <b>interrogatories</b> 100:8 122:3 209:16 <b>interrogatory</b> 122:7,14, 15 158:22,23 160:9 166:23 <b>interrupt</b> 44:5 159:17 <b>interview</b> 36:12 <b>interviewed</b> 22:6,7 33:22 148:2 165:10 <b>interviewing</b> 38:3 <b>interviews</b> 22:14,15 30:23 33:7 <b>inventory</b> 64:18 133:18 134:1,22 <b>involved</b> 26:9 52:14 66:20 75:13 148:5 194:14 203:7 <b>Iraq</b> 18:22 <b>issue</b> 44:10 57:9 81:16 106:18 137:2 184:3 199:13 200:12,24 <b>issues</b> 50:18 52:8 55:18, 21 57:17 66:10 105:21,23 107:4 111:16,23,25 138:21 153:19,23 155:21 156:4 157:19 164:7,22,25 165:2 168:9 172:6,8,9,23 174:6 176:15 177:25 179:6 180:15 187:1 197:22 212:14 <b>IT-SAVVY</b> 60:1 <b>items</b> 133:22,23 <hr/> <b>J</b> <hr/> <b>jail</b> 202:13 <b>January</b> 39:8 59:14,18,23 60:5,22 61:4,5 109:8 158:2 198:24 202:6,7,8 <b>Jeff</b> 168:8 171:23,24,25 172:6
---	---	---	--



<p><b>Jessie</b> 81:3,4,21 84:25 153:1,22 176:16 177:18 179:20 189:25</p> <p><b>Jessie's</b> 82:2</p> <p><b>Jim</b> 38:14,19 97:10,22 98:1,6,7,19,23 99:1,10,13 100:21,25 101:10 114:15, 19 118:23 119:10 123:12, 19 126:6 132:23 154:22, 23 155:1,3,5 179:16 190:3 210:8 211:6,20,21 212:24 213:9,12,17,22 214:4,15, 21 215:2</p> <p><b>Jim's</b> 98:25 210:5,15 212:15</p> <p><b>job</b> 10:23 16:2 19:12 23:7 33:24 37:23,24 38:7,25 40:8 41:14 42:5 44:4,11, 12 82:2 98:6 117:6 120:9 121:13,16 122:17 128:14 135:8 156:2 157:13 158:11 166:15,24 171:25 172:22 173:5 174:24 175:2,24 176:1,3 180:2,13 181:16 182:5,24 183:15 185:21,23,25 186:19 187:6,7 204:7 207:6 212:17,19 215:3</p> <p><b>job-hoppers</b> 165:4</p> <p><b>jobs</b> 30:5 205:17,18 207:6</p> <p><b>Joe</b> 56:4 80:21,23</p> <p><b>John</b> 14:2,18 20:20 21:6 26:5,6 27:12 30:17,23 31:10 33:6 36:12,13 37:25 38:17 39:15,23 40:23 41:7,14,21 42:3,23,25 44:12,16 45:8,10,13 46:1 47:6 48:3,7 66:14 78:13, 15 80:4,25 82:22 83:25 84:8,25 89:10,13 90:2 91:3 92:18 93:16 124:3 131:25 133:5,7 135:5 151:21 173:8,12 175:5 179:1,12,15 184:22 187:13 189:7 190:15,16, 19 191:1 192:21,24 193:20 194:1 196:9,18,21 197:8 201:4 202:20 206:3, 5,10,12 211:23</p> <p><b>John's</b> 30:22 31:2 34:13 42:11 91:5 166:1,3 173:10</p>	<p>175:6,7 193:20 206:10,11</p> <p><b>joined</b> 13:6</p> <p><b>joining</b> 19:6</p> <p><b>Joplin</b> 182:17 185:24</p> <p><b>Jordan</b> 9:10 12:16 14:12 20:9 26:25 29:21 31:5,6 32:10 40:6 66:14 67:9 78:15 79:20 81:1 82:22 84:8 85:3 91:21 108:14 143:6 144:21 151:20 189:7 203:24 204:12,17 209:9,12</p> <p><b>Josh</b> 78:16 79:25 80:2 169:1 173:9</p> <p><b>Joshua</b> 36:13 44:20 81:1 82:1 177:12,14</p> <p><b>JPEG</b> 88:20,25 90:18 92:7</p> <p><b>JPEGS</b> 92:9</p> <p><b>Juan</b> 168:11 173:19</p> <p><b>Jubil</b> 168:16,18 171:7,10 174:16,17,18</p> <p><b>July</b> 73:19 105:21</p> <p><b>June</b> 71:1 72:6,19,25 95:13 115:13 140:2 167:3</p> <p><b>justification</b> 209:24 212:3 213:6,8,11,19,24 214:11,15,22 215:1</p> <p><b>Justin</b> 181:5</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>keeping</b> 134:1</p> <p><b>Keith</b> 99:18,19,23 102:25 103:6 203:13</p> <p><b>Kensley</b> 182:15 184:10</p> <p><b>key</b> 73:23 74:16 96:9</p> <p><b>keyword</b> 103:1</p> <p><b>kind</b> 6:7 17:3,12 24:21 27:3,12 28:5 33:17 34:1 37:18 53:1 54:13 72:14 73:13 76:11,17,18 77:2,5 87:2,4 88:19 92:9 94:11, 12 95:9 97:6 99:16 100:20 101:23 102:10,11 104:5</p>	<p>105:1 118:8 124:9 132:25 135:3,22 136:12 142:9 144:17 145:18 157:20 167:5,18 170:13 175:2 177:6 178:1 188:25 189:8, 21 190:3,5 191:18,20,21, 24 204:17</p> <p><b>kinds</b> 185:4</p> <p><b>knew</b> 178:6,7 196:10 197:4,5</p> <p><b>knowledge</b> 77:17 134:25 194:22</p> <p><b>Kohler</b> 53:17</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>label</b> 85:21 183:11</p> <p><b>labeled</b> 85:21 97:5 109:17 183:10</p> <p><b>labels</b> 137:12,13,25 183:9</p> <p><b>Labor</b> 5:12,14 13:7 189:17,20</p> <p><b>lack</b> 35:13 50:16 202:12</p> <p><b>lacked</b> 40:25</p> <p><b>lacking</b> 135:3</p> <p><b>lading</b> 139:15</p> <p><b>laid</b> 125:13</p> <p><b>Lance</b> 45:3</p> <p><b>Landry</b> 169:4 179:19 180:11</p> <p><b>large</b> 41:6 71:16</p> <p><b>larger</b> 16:22</p> <p><b>largest</b> 54:3</p> <p><b>late</b> 132:19 145:6</p> <p><b>Laura</b> 5:11 72:9</p> <p><b>layers</b> 200:3</p> <p><b>lazy</b> 170:3 185:13</p> <p><b>lead</b> 38:5 42:8,9,13,18,19, 24 43:1,3,4,14 45:10 59:6 62:7 81:6 98:11 99:1,14 113:25 114:10 116:20,24 117:7,8,9,19 119:20 122:22 124:7 127:5,12,14</p>	<p>128:8 135:23 138:22 140:25 145:12 164:15 166:8,11 178:8 183:2,8,15 214:6</p> <p><b>lead's</b> 43:22 140:18</p> <p><b>leader</b> 85:12 135:12 184:16,18 213:18 214:1</p> <p><b>leadering</b> 85:11</p> <p><b>leadership</b> 19:16 128:20 168:20</p> <p><b>leading</b> 126:1 174:12</p> <p><b>leads</b> 205:8</p> <p><b>Leaf</b> 181:3,4</p> <p><b>leaned</b> 204:1,11</p> <p><b>learn</b> 25:5,10,12,13 134:21,22 151:5 175:25 176:22 214:4</p> <p><b>learned</b> 25:15</p> <p><b>learning</b> 40:24 43:9 92:11 121:16 150:18 151:8</p> <p><b>leave</b> 70:9 170:20 171:4 174:4 175:13 186:1</p> <p><b>leaves</b> 139:11</p> <p><b>leaving</b> 178:19</p> <p><b>led</b> 135:22 151:22 156:20 157:20</p> <p><b>left</b> 15:20 23:15 145:13 146:23 172:19 173:19 174:17 177:13,16,18 178:13 180:12,16,22 181:3,8,20 182:15 184:24 185:5 186:18,24</p> <p><b>leg</b> 171:10</p> <p><b>legally</b> 94:10,20</p> <p><b>length</b> 131:18</p> <p><b>lets</b> 127:6 183:4 187:23 208:12</p> <p><b>letter</b> 147:15 163:4,14,23, 25 186:22 189:23 190:21 191:3,6</p> <p><b>letterhead</b> 191:7</p> <p><b>letters</b> 188:1,9,12,21,24</p>
---	---	--	---

189:9 190:7 <b>letting</b> 214:24,25 <b>level</b> 173:12 <b>level-headed</b> 202:23 <b>levels</b> 53:22 <b>Lewis</b> 186:17 <b>Liability</b> 5:17 10:20 <b>library</b> 130:17 <b>license</b> 10:6,7 67:23 <b>Licklider</b> 198:22 202:10, 11 203:13 204:20 205:25 206:23 <b>life-threatening</b> 200:17 <b>likes</b> 210:5,6 <b>limit</b> 173:13 198:3 200:21 <b>limited</b> 5:17 10:20 160:14 161:9 200:10 <b>lines</b> 64:25 65:1 160:18 <b>link</b> 129:20 <b>list</b> 123:2 162:4 167:4 189:13 190:4,5 195:22 <b>listed</b> 32:13 110:12 122:21 159:4 160:9 161:1, 7,9 162:18 <b>lists</b> 58:15 89:10 190:18, 19 <b>live</b> 20:13 109:4 120:11 121:4 <b>lived</b> 182:17 <b>livelihood</b> 202:25 <b>lives</b> 136:3 <b>LLC</b> 11:8,11,14,16,18 167:2 <b>load</b> 24:4 84:13,20 138:6 <b>loaded</b> 33:20 42:21 137:22 139:5 <b>loader</b> 23:19 <b>loading</b> 111:25 <b>locally</b> 33:6,18 <b>located</b> 9:3 23:9 24:14	48:22 <b>location</b> 20:23 23:22 139:12 <b>lockers</b> 125:15 <b>lockout/tagout</b> 17:20,24 19:25 <b>log</b> 113:7 <b>logically</b> 22:4 27:10 63:12 134:6 <b>long</b> 37:7,9 39:7 66:17 99:21 128:14 131:21 151:3 153:17 168:13 173:1 182:12 187:9,10 204:4 <b>long-winded</b> 207:25 <b>longer</b> 67:20 89:24 <b>longevity</b> 155:9 <b>looked</b> 80:25 158:18 200:5 204:12,16,18 <b>Lord</b> 167:13 <b>lot</b> 10:2 16:8 25:1 31:3 35:8 53:17 54:12,24 85:8 90:12 105:22 119:2,3 131:21 132:18 133:10 154:18,24 156:6 179:11 207:18,21 211:23 <b>lucky</b> 166:5 <b>lunch</b> 42:16 124:22,23 148:14 166:16 <b>Lynn</b> 82:22 <hr/> <b>M</b> <hr/> <b>machine</b> 18:3 19:25 25:3 141:4 178:18 183:17,18 <b>machine's</b> 52:17 <b>machinery</b> 49:21 200:7 <b>machines</b> 53:4 54:4 140:16,17 152:6 <b>mad</b> 107:12 135:18 176:4 <b>made</b> 8:5 9:18 37:21 63:17 99:17 102:10 109:6 135:25 136:17 159:2 183:23 197:12,18,20	203:18 <b>mail</b> 162:12 196:8 197:14 <b>mailboxes</b> 161:20 <b>Mailing/preparing</b> 123:22 <b>main</b> 52:7 <b>maint-</b> 133:6 <b>maintain</b> 125:1 <b>maintained</b> 62:9 77:20, 23 111:6 115:3 117:11 <b>maintenance</b> 30:18,19 47:10,14,16,17,24 48:4,18 51:25 52:9 55:18,19,21, 23,24 56:4,5,8,12,20 57:20 80:19,23 81:7,12, 15,17,18 82:11,12,14 123:25 124:1 127:10 135:6 140:8,12,19,20,21 141:2,6,10,12,13,17,18,21 166:2,18 170:2,3 177:19 178:7,8,10,11 181:24 183:16 185:14 200:23,24 205:22 206:8,9,12,18 <b>major</b> 40:15 63:24 172:13 <b>make</b> 8:18 28:18 33:10 40:24 41:1 42:16,20 46:18,22 47:13 82:15 107:12 114:11,24 128:22 136:14 138:11,14,16,17, 18 156:25 157:6 158:8,10 183:22 184:1,5 188:3,4,18 191:22 198:25 206:18 208:21 209:23 211:7,19, 22 212:3 213:23 <b>makes</b> 33:24 42:9,13 78:25 101:7 123:14 152:18 155:25 214:10 <b>making</b> 45:24,25 47:16 83:4 114:1 134:7 182:25 199:14 201:18,23 213:15 <b>man</b> 151:3 213:23 <b>manage</b> 41:21 98:22 161:20 162:12 <b>management</b> 12:17 13:25 14:3,8,17,19 16:14 19:13,16 27:6 41:6 43:15 46:20 78:9,15 81:22 98:17 128:20 152:17 155:10	168:21 199:1 201:5 <b>management-type</b> 25:25 <b>manager</b> 14:2,5 21:8 22:12 26:4,6,7 39:24 40:16 43:6,8,11,12,21 44:23 45:10,13 46:19,22, 23 52:1,9 53:16 66:25 98:14 105:25 124:5,6 133:7 136:7 148:9 173:7 175:16,19 176:2,6 193:8 203:7,9 213:13,14 <b>managers</b> 19:14 32:6 154:17 <b>manages</b> 57:14 <b>managing</b> 10:17,24 14:10,12,14,15 40:13,21 41:3 193:21 212:18,19 <b>manufacturing</b> 17:14 19:1,5,7,17,20,24 35:21 36:5 40:20 41:11 55:5 57:6 174:12 <b>March</b> 59:21,22 60:9,15 65:21 157:25 194:11 <b>marked</b> 58:1,6 61:14,16 70:16,18 85:23 88:10,12 90:8,10,15 92:1,3,23,25 95:18 97:3 100:2,3 101:20,21 103:21,22 105:12,13 107:25 108:1 109:18 110:24 111:1 116:11,13 121:22,23 142:11,12 144:7,9 146:4,6 147:9,11 161:13,14 162:22,25 187:19,20,25 191:14,16 196:12,14 208:2,3 <b>Markenson</b> 202:10 <b>Markeson</b> 99:23 103:6,7 198:21 203:2,14,22 204:2, 4,20 205:2,3,9,25 206:24 <b>Markeson's</b> 205:15 <b>market</b> 33:13 <b>married</b> 176:17 <b>Maryjo</b> 208:8,14 <b>masks</b> 200:21 <b>master</b> 40:10
---	---	---	---

<b>master's</b> 10:5,10 <b>match</b> 168:10 <b>material</b> 25:17 35:20,23 51:9 54:23 57:8,16 63:14 84:20 137:6,9 138:6 212:17,18 <b>material's</b> 36:21 <b>matter</b> 118:19 <b>matters</b> 11:21 <b>Max</b> 44:20 57:10 79:15 195:3 196:6 <b>MBA</b> 10:11,12 <b>Mcclelland</b> 180:21 <b>means</b> 27:19 64:17 96:15 139:2,11 166:1 200:18 211:17 214:8 <b>meant</b> 6:12 133:1 <b>mechanic</b> 178:9 <b>mechanically</b> 82:13 <b>meet</b> 21:25 148:14 <b>meeting</b> 66:2,13,22,23,24 107:3 <b>meetings</b> 19:22 65:24 66:17,21 67:4 <b>member</b> 10:17,24 12:25 14:11,12,13,14,15 <b>members</b> 12:15 32:8 <b>memes</b> 210:15 <b>men</b> 40:21 174:13 <b>mentioned</b> 117:11 130:6 132:15 136:7 148:25 152:23 154:9 156:23 164:21 165:11 186:11 209:8 <b>mentor</b> 22:6 46:17 <b>mentored</b> 23:8 135:10 <b>mentoring</b> 46:15,16 85:11 98:15 128:22 <b>message</b> 74:21 75:7,9,22 77:4 80:9 91:3,5 182:6 212:10 <b>messed</b> 74:12	<b>messages</b> 29:16,18 68:7, 8 73:5 74:3,7,10 77:2,18 87:3 88:21,23 89:6 91:20 92:17 93:7 101:9 103:9 209:17 <b>messaging</b> 29:2,9 92:20 154:22 180:6 <b>met</b> 22:4 50:19 56:10 <b>Michael</b> 162:16 <b>Microsoft</b> 26:11 68:1 72:11,15 75:2,14,21 77:7, 21 103:16 112:11 115:6 125:5,8 162:11 <b>middle</b> 119:8 <b>midnight</b> 65:8 <b>miles</b> 23:21 24:6 <b>military</b> 15:14,21,23 16:12 <b>mill</b> 23:3 24:5,14,16,24 25:20,22 26:2,4,14,15,21, 22 35:17 36:15,17 38:5 42:10,11,14 43:12 44:25 45:9 48:15,25 49:2 51:25 52:9 53:16 68:3 78:8,15 79:8,12,17,18 80:13 87:12,15,16 98:7,10 99:2, 4 104:12,17,22,23 105:2, 8,24 111:18 114:3,4,16 123:19,21 125:13,14 127:7,15 128:13,18,19 129:18 132:16 133:6,17 134:4,20 135:16 140:14, 23,25 151:7 154:17,18 164:16 166:4,10,14 170:7, 21 198:15 213:16,25 215:4 <b>mill's</b> 199:4 <b>mind</b> 212:2 <b>mine</b> 5:20 20:23 22:21,23 23:3,9,16 26:9 27:5,13,20, 23 28:8,11,14,23 29:4,10, 22 35:17 36:4,6 49:5,13 56:17,22 157:1 167:3 194:11,21 195:7 198:10 <b>mine's</b> 56:20 <b>miner</b> 110:22 <b>miner's</b> 15:7 110:3	<b>minerals</b> 183:18 <b>miners</b> 50:14 156:25 194:11,16,20 195:4,6,13, 20,23,25 196:3,6,22 197:9 201:17,22,25 207:1,11 <b>minimum</b> 166:14 <b>mining</b> 14:22,23,24 15:2 20:9 34:15,19,22 35:9,13, 14,18,23,24 36:3,5 41:8,9 <b>minuscule</b> 142:5 <b>minutes</b> 20:21 64:13 69:24 70:5 77:8 124:21 211:9 <b>misleading</b> 118:1 <b>missed</b> 56:22 107:20 132:18 <b>missing</b> 159:13 160:2 <b>Missouri</b> 23:10 24:9,12, 14,17,21 189:17,19 <b>mistake</b> 60:4 203:18 <b>mistaken</b> 10:22 39:5 56:24 163:16 168:15 170:4 <b>mistakes</b> 40:24 61:8 <b>mistaking</b> 168:16 <b>mixed</b> 171:7 <b>mm-hmm</b> 10:12 13:14 18:2 19:19 27:21 28:7 32:3,15 44:23 54:11 58:19 59:11 63:2 73:9 89:9 91:16 100:12 102:8 103:4 104:16 105:3 107:11 122:1,9,16,23 123:7 124:15 125:2 143:15 144:18 145:4,16 150:5 151:17 159:7 170:19 179:24 187:15 210:3 <b>MO</b> 78:8 80:19 82:20 84:25 <b>Molesi</b> 81:3,4,21 153:1,9, 13,22,24 186:6 <b>Moll</b> 13:5 <b>mom's</b> 130:17 <b>moment</b> 125:12 215:14	<b>Monday</b> 66:3 <b>money</b> 56:21 155:25 158:10 181:25 <b>monitor</b> 54:21 <b>monitoring</b> 42:18 <b>month</b> 21:4,5 39:2 <b>monthly</b> 56:25 <b>months</b> 24:2 55:25 154:5, 11 155:15 <b>morning</b> 5:7 50:3 214:19 <b>MOSENECA</b> 13:22 32:23 <b>MOSENECAMANUFAC  TURER</b> 5:17 10:18 13:19 167:2 <b>Mosenecamanufacturi  ng</b> 11:13 13:20 <b>mother</b> 19:12 <b>motor</b> 48:17,19 60:12 82:16 <b>Motorcycle</b> 16:17 <b>mouse</b> 86:14 210:18 <b>mouth</b> 53:2 <b>move</b> 25:11 41:1 85:25 101:14,19 121:19 176:2,5 185:23 208:17 <b>moved</b> 153:14 185:25 186:6 <b>moving</b> 174:6,14 175:9 180:14 <b>MSHA</b> 20:2,3,10 25:2 36:1 37:10 47:7 48:4 50:18 51:19 69:8 82:5,8,9 91:6 96:6,16,24 99:18 102:15 127:23 128:4,6,16, 25 129:2,4,11,14 152:1,3, 24 153:9,15 155:22 156:4, 7,9,25 157:6,9 158:13 165:7,9 180:23 182:13 195:22 197:10,19,20,23 198:1,6,10,19 199:23 201:2,6,9,12,18,23,25 202:3,24 205:7,24 206:1, 15 207:3,4,11,17,18 209:24 212:4 213:3,21 214:10,12,14,24
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<b>MSHA's</b> 157:10,12,13 <b>MSHA-PROVIDED</b> 15:6 <b>MSHA-REQUIRED</b> 37:4 <b>multiple</b> 156:17 <b>mute</b> 70:9 <b>mutual</b> 177:7 178:1 <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <b>name's</b> 5:11 <b>name--i</b> 18:14 <b>named</b> 194:10 <b>names</b> 102:18 176:17 <b>National</b> 15:13,20 <b>Natural</b> 82:6 <b>naturally</b> 34:11 <b>necessarily</b> 20:15 77:6 96:1 118:5 152:19 178:23 189:16 190:8 191:2,4 <b>needed</b> 20:19,22,25 25:1 27:9 30:14 42:12 43:10 48:17 67:2 152:1 155:20 168:13 175:5 176:22 181:25 183:21 191:10 <b>needing</b> 176:19 <b>needle</b> 171:10,11 <b>negative</b> 172:11 212:24 <b>neighbor</b> 176:19 177:21 <b>Neosho</b> 172:1,2 <b>Newburn</b> 177:25 178:14 190:1 <b>newsletters</b> 69:9 <b>Newton</b> 24:9 <b>night</b> 98:20,22,24 138:3 173:23 211:18 <b>nights</b> 119:10 124:18 <b>no-gossip</b> 105:20 107:18 <b>nod</b> 139:23 <b>non-lawyer</b> 76:3 <b>noon</b> 64:11,12 141:19	<b>normal</b> 20:20 50:15 54:10 57:6 63:9 64:8 104:23 125:25 126:1,18 201:7 <b>nose</b> 171:11 <b>note</b> 13:5,7 111:16,23,25 160:6 203:4 <b>noted</b> 61:8 <b>notes</b> 7:25 8:5,6,9,10,12, 14,15,18,20,21 9:18 12:23 21:19 22:8 39:17 53:17 64:6 66:7 123:15 136:17, 18,21 149:17,18 154:10, 13 159:21,22,25 160:1,3, 5,16,20 161:3 187:11 202:8 204:8 205:12 215:11 <b>notice</b> 189:12 <b>noticed</b> 81:16 <b>notices</b> 196:4 <b>notification</b> 138:24 214:18 <b>notoriously</b> 132:18 <b>November</b> 65:21 70:24 180:25 <b>number</b> 63:16,17,18,22 70:17 96:2 102:12 111:20, 21 116:8 122:8,14,15 132:6 142:11 155:17 158:22,23 162:23 164:4 166:23,25 208:2 <b>numbers</b> 59:19 60:17 142:10 <b>numerous</b> 62:20 136:8 137:19 138:21 139:17 149:13 178:20 203:19 <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <b>O'REILLY</b> 5:6,11 57:21 58:2 61:11,17 69:20 70:4, 7,15,19 85:24 88:8,13 90:6,14,15 91:24 92:4,21 93:1 95:15,19 97:1,4 99:25 100:4 101:17,22 103:18 105:10,14 107:22 108:2 109:15,19 110:23 111:2 116:4,14 121:18,24 142:13 144:5,10 146:2,7	147:8,12 148:10,16,19,24 161:10,15 162:20 163:1 187:16,21 191:12,17 196:11,15 208:1,4,20 209:4 215:9,16,19 <b>oath</b> 7:6 <b>observe</b> 23:6 <b>occasionally</b> 67:1 <b>occur</b> 55:20 <b>occurred</b> 63:8 <b>October</b> 195:2,16 <b>offer</b> 33:25 51:4 142:7 147:14 <b>offered</b> 175:5 <b>office</b> 5:12,14 9:7,8 48:8, 20 137:12 150:11 <b>official</b> 18:8 <b>oil</b> 180:13 <b>OJT</b> 38:6 <b>Oklahoma</b> 15:13,14,20 18:13 23:9,15 24:11,12,20 25:12 83:24 <b>Omphalos</b> 10:20,21 11:8,11,13,16,18 12:8,9, 11,15,17,19,21,25 13:15, 17,19 32:25 39:19,21 162:6,7,9 195:7 209:8 <b>one-time</b> 157:23 <b>online</b> 109:4 120:11 129:12 131:1 197:17 <b>Oops</b> 92:5 <b>open</b> 7:19 8:2 23:16,25 25:12 46:13 55:24 68:18 164:6 207:2 <b>openly</b> 179:22 <b>operate</b> 25:13 133:2,15 140:16 175:21 <b>operates</b> 57:11 <b>operation</b> 123:18 132:14 <b>operation's</b> 175:8 <b>operational</b> 17:11 <b>operations</b> 14:2 20:20	22:5,12 26:6,7 39:24 40:13,16,18,19 41:10,16, 23 43:1,6,21 44:23 45:13 46:23 47:13 48:12 52:1 56:25 57:4 64:2 66:12,22, 23,25 79:17 82:20,25 83:5,19,21 98:14 136:7 137:12 148:9 154:16 155:6 156:3 157:15 158:9 164:14 166:9 173:7 183:8 193:8 201:7 206:19 <b>operator</b> 25:3,8,9 84:4 <b>operators</b> 51:25 52:1 <b>opinion</b> 172:10 203:3 <b>order</b> 55:16 63:18 64:4 127:10 137:5 138:11,17, 22,23 139:8,15 <b>order's</b> 139:10,13 183:7 <b>orders</b> 63:10 126:15 137:21 139:14 <b>organization</b> 162:2,10 207:16 <b>organized</b> 103:2 <b>orientation</b> 36:9 <b>original</b> 88:4 <b>originally</b> 13:9 154:7 185:8 <b>Orlando</b> 19:7 <b>OSHA</b> 15:12,16,18,24 16:2,3,7,12,14,19,24 17:2, 5,6 18:1,3 19:24 82:9 157:4 <b>OSHA's</b> 17:14,19 <b>OSHA-CERTIFIED</b> 15:12 <b>Ottawa</b> 23:15 <b>outline</b> 151:1 <b>outsourced</b> 31:22,24 32:2,4 177:11 <b>overbrush</b> 23:18 <b>overlooked</b> 114:24 <b>overseas</b> 137:15 138:8 <b>overtime</b> 124:17 142:4 145:2,15,20,25
---	---	--	---

<b>owned</b> 11:13 13:15 23:12 39:19 56:13,14 162:4 195:7 209:8  <b>owner</b> 67:15  <b>owners</b> 67:10 68:9  <b>ownership</b> 11:4,12,15 209:11  <b>owning</b> 19:2  <b>owns</b> 10:17 13:19  <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <b>p.m.</b> 148:17,22,23 209:2,3 215:22  <b>pad</b> 160:6  <b>pages</b> 71:11 72:9 75:25 93:3  <b>paid</b> 143:19,20 144:2 146:17,20,23 147:1 175:22 182:14 215:5  <b>pair</b> 171:11  <b>pallet</b> 63:19 137:4 184:8  <b>pallets</b> 27:3 38:22 42:16 63:20 126:21 139:4,5 183:5 200:11  <b>paper--you</b> 8:1  <b>paperwork</b> 136:24 137:17 138:17 140:6 143:1 197:13  <b>paralegal</b> 181:12,13,16  <b>parameters</b> 72:6  <b>park</b> 130:17  <b>part</b> 18:22 34:17 35:1 39:12 43:22 63:9 71:19,25 72:17 74:20 76:12,14,22 77:14 83:1 84:16 85:10 91:6 105:4 110:4 113:24 120:13 128:14 130:19 134:20 135:11 139:9 140:14 146:18 149:14,16 152:2,3 167:21 177:1 183:15 208:6 212:18,19 214:6 215:3  <b>participate</b> 30:15,16 68:3 69:5	<b>participated</b> 151:19 158:25 198:1,6  <b>participating</b> 198:4  <b>particulate</b> 183:14  <b>parts</b> 31:9 76:24 178:18  <b>party</b> 31:23  <b>Paso</b> 18:12  <b>passed</b> 31:4  <b>passing</b> 198:16  <b>past</b> 31:2  <b>paste</b> 72:11  <b>pasted</b> 100:15  <b>path</b> 76:22  <b>Patrick</b> 186:17  <b>pause</b> 13:5  <b>pay</b> 33:12 34:8 46:12,14 94:8,10,17,20 98:17 120:19 142:14,17 143:3, 17 144:3,17 145:7 147:6,7 156:1  <b>payroll</b> 144:15,16,24  <b>PDF</b> 58:15 88:20 92:10  <b>pencil</b> 152:8  <b>pending</b> 5:19 6:20  <b>people</b> 16:22 34:19 41:4, 21 45:24 46:18 50:13,25 51:7 52:4 54:6 65:4 67:14 68:17 81:17 82:24 83:5 84:9 98:24 101:11 106:2 107:4 118:7 132:22 150:18 151:5,18 154:17 156:17,18 157:14 164:18 165:3,4,13,17 166:8,9 169:18 180:1,3 193:21 201:23 202:24  <b>perceived</b> 207:13  <b>percent</b> 51:1 77:6 151:9  <b>percentage</b> 209:11  <b>perfectly</b> 54:15  <b>perform</b> 30:3,13  <b>performance</b> 120:15,16 149:1,4,14,16,19,24	150:1,4 156:22 172:14,24 174:2,9 176:7 178:3 179:12 180:2 182:21 185:10 186:8 212:7 213:4  <b>performed</b> 202:9  <b>period</b> 16:1 23:1 65:2 99:3 113:21 119:11 145:8 151:12 167:8,12 176:21 182:16  <b>person</b> 21:25 22:16,17 33:16 38:8,11,16,17 40:19 47:15 52:7,9,17 56:5,8,13 77:15 80:2 81:5 85:1,2 86:25 102:2 113:16 114:7, 10 118:18 123:13 135:20 138:19 141:6,7 152:24 153:6 155:9 156:19 162:8, 17 163:21 164:17 165:9 181:10,24 182:12,13 189:6 204:24 215:7  <b>person's</b> 166:1 212:19, 21  <b>personal</b> 17:12 18:18 132:2,8 187:1  <b>personally</b> 6:2 23:5,6 40:4 73:25 129:4 158:8 185:11  <b>personnel</b> 41:5 48:11 55:23 176:15 188:25 192:6  <b>phone</b> 27:22,25 28:10,13, 18 29:11 30:23 62:13 65:24 131:5,8,19 132:2,5, 6,7,8,9,11 156:8,23 164:4 166:25 179:8  <b>phone's</b> 28:4  <b>phones</b> 22:19 111:9  <b>physical</b> 8:3  <b>physically</b> 178:24 198:10  <b>pick</b> 38:21 166:2  <b>picking</b> 184:23  <b>picks</b> 74:16  <b>pictures</b> 137:21  <b>piece</b> 200:7  <b>pigeons</b> 138:3	<b>pilot's</b> 10:6,7  <b>pit</b> 23:16 25:12 83:24  <b>place</b> 37:8,9 42:25 52:11 98:25 117:20 209:23 210:17 211:20 213:23  <b>plan</b> 24:23 26:1 36:1 149:3  <b>planning</b> 141:16  <b>plant</b> 19:7,17 23:23 24:8 35:17 36:5 37:6 48:15 57:7  <b>plate</b> 206:10  <b>plate's</b> 206:10  <b>platform</b> 89:8  <b>played</b> 152:3  <b>pliers</b> 171:11  <b>point</b> 107:9 122:10,12 154:15 203:2,24  <b>pointed</b> 197:22  <b>points</b> 159:6  <b>policy</b> 105:20 106:15,17, 22 107:2,18 108:17  <b>portrayed</b> 178:6  <b>position</b> 19:11 25:1,4,6, 7,11,25 39:3 41:15 43:15 55:24 98:11,13 128:19 138:12 155:10 165:25 184:19,21 194:20 213:9, 12,17 214:16,22 215:2  <b>positions</b> 25:23,24 43:2  <b>postal</b> 40:10  <b>postmaster</b> 40:10  <b>pounds</b> 49:22,23 50:15, 19 53:1,5 54:4 55:12 58:16 59:12,15 63:17 210:10,11,12  <b>pour</b> 206:15  <b>PPE</b> 200:20  <b>PPP</b> 13:16,21,22  <b>practice</b> 77:19 164:1  <b>Pratt</b> 203:11,12 204:1,6, 11,15 206:23
--	--	--	--



<p><b>pre-marked</b> 57:23</p> <p><b>preached</b> 157:8</p> <p><b>prefer</b> 34:17</p> <p><b>preferably</b> 140:22</p> <p><b>prepare</b> 9:16,22</p> <p><b>prepared</b> 58:12 60:21 61:1 100:9 102:3 104:2 122:5 147:18 190:20</p> <p><b>prepares</b> 190:14</p> <p><b>present</b> 44:9 187:10</p> <p><b>presume</b> 187:13</p> <p><b>pretty</b> 50:15 146:1 164:18 167:10,11</p> <p><b>preventive</b> 123:24 140:8, 20 141:12,17,18,21</p> <p><b>previously</b> 43:14 53:6 116:10 141:25 155:12 209:8,19</p> <p><b>primary</b> 27:19</p> <p><b>principles</b> 159:5 160:11</p> <p><b>print</b> 87:7 117:25</p> <p><b>printed</b> 116:2 192:22</p> <p><b>printing</b> 109:1</p> <p><b>prior</b> 14:21 18:25 20:3,10 34:23 40:16 47:19,23 82:7 109:13</p> <p><b>private</b> 128:22 189:3</p> <p><b>proactive</b> 185:15</p> <p><b>probationary</b> 176:21</p> <p><b>problem</b> 55:21 77:3 101:17 152:1,2,21 155:20 157:17,18,21 166:12 167:22,23 170:1</p> <p><b>problems</b> 57:15 167:24 197:23 200:13 205:1,2 206:20</p> <p><b>procedure</b> 126:18</p> <p><b>procedures</b> 63:9 123:20 127:5,21 133:10,15 201:1</p> <p><b>process</b> 31:12 36:12,16, 23 38:3,4 73:13 87:2 125:25 126:2 127:13</p>	<p>154:8 183:13</p> <p><b>processed</b> 24:7 31:11</p> <p><b>processes</b> 53:10</p> <p><b>produce</b> 49:5 54:19 91:10 102:13 141:19 165:23,24 199:13 200:19 210:11,12</p> <p><b>produced</b> 5:3 54:1 58:16 59:12,13,15 67:7 91:1 92:9</p> <p><b>producing</b> 49:21 63:15 141:1</p> <p><b>product</b> 49:5 51:4,5,6,7, 17 133:17 137:17,23,24 139:3 157:16 158:9 183:19 184:1</p> <p><b>production</b> 41:19,20,22, 24,25 42:1,5,19 49:13 50:4,7 53:8,22 54:11,14, 25 55:8,13,15,17 56:10,23 57:9,17 58:25 59:2,23 60:10,21 61:4,22,25 62:2 63:10,11,12,14,16 64:1,8 65:20 66:7 81:20 111:22 116:20,23 117:7,19 119:20 123:21 126:16,17 127:2 128:23 130:12 132:20 133:18 135:23 137:3 138:5 150:15,17 155:18,23,24 157:19 165:22 166:7 175:9 176:13 177:8 178:10,19, 22 182:23 183:1,2,3 184:4</p> <p><b>production's</b> 155:25</p> <p><b>productions</b> 58:10</p> <p><b>productive</b> 136:11</p> <p><b>professional</b> 124:2 162:2</p> <p><b>professor's</b> 18:14</p> <p><b>proficient</b> 135:7</p> <p><b>program</b> 19:13,15 37:7, 12,18</p> <p><b>progress</b> 25:5,20,21 46:23</p> <p><b>progression</b> 24:23 25:23 46:11 76:22 134:20 140:14 150:21 214:7</p>	<p>215:4</p> <p><b>progressive</b> 108:16</p> <p><b>promote</b> 98:10</p> <p><b>promoted</b> 120:18 181:23 182:3</p> <p><b>promoting</b> 211:3,12</p> <p><b>promotion</b> 181:22</p> <p><b>proper</b> 152:5</p> <p><b>properly</b> 130:14 211:17 212:16</p> <p><b>prove</b> 53:7</p> <p><b>proved</b> 207:16</p> <p><b>provide</b> 37:13 127:25 128:5 164:6 190:16 193:22</p> <p><b>provided</b> 15:24 52:23 71:5 72:21,24 110:11 117:24,25 131:1 163:14 167:4 182:6 188:12,21 192:11 195:21</p> <p><b>PTO</b> 146:16</p> <p><b>public</b> 25:18 68:14,15</p> <p><b>pull</b> 57:25 65:14 70:15 85:20 88:10 89:7 95:17 97:4 103:11 105:5 107:24 110:24 143:3,5,13 158:17 161:12 162:21 209:14</p> <p><b>pulled</b> 76:1,6 87:4,12 89:19 93:9 102:22 103:15 111:7 115:2 143:6</p> <p><b>pulling</b> 53:19</p> <p><b>pulls</b> 112:4</p> <p><b>pulverizing</b> 35:20</p> <p><b>purchase</b> 173:10,12</p> <p><b>purchased</b> 39:22</p> <p><b>purchases</b> 173:2,6</p> <p><b>purple</b> 89:11,12,13 91:15 92:14 93:12 97:13 209:20, 22</p> <p><b>purpose</b> 77:1 189:8</p> <p><b>purposes</b> 29:1 37:6 188:3</p>	<p><b>push</b> 29:7,13</p> <p><b>pushed</b> 55:16</p> <p><b>pushes</b> 112:25</p> <p><b>put</b> 26:13,23 31:10 58:22 59:3 65:22 71:23 73:20 74:16 76:3 86:25 96:13 98:12 103:12 112:1,6 118:20 120:23,25 126:16 130:1 137:13,14 145:10, 12 146:15 187:22 190:22 191:21 200:3 209:25 213:11,21 214:15 215:1</p> <p><b>puts</b> 59:6 183:3</p> <p><b>putting</b> 35:22 64:18 132:21 137:8 213:9,11 214:21</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>qualified</b> 56:2,7 165:2</p> <p><b>quality</b> 42:20 184:5</p> <p><b>quarry</b> 25:11,21 36:20 41:23 52:1 57:11 76:23 79:15 83:21 84:4 87:20 105:25 164:17 175:15,19, 20 176:2,5 185:2</p> <p><b>quarterly</b> 120:15 149:1,4, 21</p> <p><b>question</b> 6:9,11,15,21 7:1,2 17:1 33:21 46:7,13 55:22 60:24 71:21 74:25 83:3 111:16,20,21,24 113:6,12 121:7 126:1 159:19,23 172:4 205:4 207:9 208:19 210:23 211:3 213:4 215:15</p> <p><b>question--he</b> 33:17</p> <p><b>questioned</b> 152:17</p> <p><b>questioning</b> 203:23</p> <p><b>questions</b> 7:14 26:25 27:10 76:9 78:6 113:11 115:17 129:9 130:25 131:22,23 164:3 177:3 189:12 209:5 215:13,17, 20</p> <p><b>quick</b> 215:11</p>
---	--	--	---

<b>quicker</b> 129:12	160:8,25 161:6 166:6 189:14	<b>refused</b> 194:5	<b>replacing</b> 48:19
<b>Quinlan</b> 13:5		<b>regard</b> 5:22 6:1,4 47:9 48:3 82:10 133:25 140:8, 9,13 193:2	<b>report</b> 47:2,3 61:22,25 65:20 111:4,7 112:7,15 115:8,9 183:14,17,20,23, 25 184:6
<b>quit</b> 106:3 153:13 169:14, 18,20 170:17 171:25 174:25 175:15 176:4 177:6,23 195:10 202:16	<b>recall</b> 21:18 39:18 71:15 73:13 86:24 136:19,20 147:23 149:2 174:17 177:15,18 178:12 180:11 181:19 182:15 186:17,24 198:18 199:7 200:14 201:24	<b>registered</b> 10:21	<b>reported</b> 99:12 195:25
<b>quotes</b> 31:9,15		<b>regular</b> 76:12,14,17 77:19 128:18 142:20	<b>reporter</b> 6:25 7:5
<b>R</b>	<b>receipt</b> 194:14	<b>regularly</b> 65:23 67:4 130:8	<b>reporting</b> 46:1 151:23 152:10 179:7
<b>R.J.</b> 114:15 136:4 179:17 192:20	<b>receipts</b> 31:12	<b>regulations</b> 47:7 48:4 114:21 129:6,11	<b>reports</b> 44:18,19 69:9 123:23 130:13 184:3
<b>racist</b> 170:5	<b>receive</b> 52:25 128:15,21, 24 133:19 139:3 183:12	<b>relate</b> 118:6 167:18	<b>represent</b> 188:1
<b>railroad</b> 204:1	<b>received</b> 15:7 68:8 146:21 196:8 212:1	<b>related</b> 43:20 68:18,21 82:5 186:14,16 214:11 215:1	<b>representative</b> 194:11, 16,20 195:14 196:1,6,22 197:9
<b>raise</b> 120:19	<b>receives</b> 137:15	<b>relationship</b> 128:9 174:6	<b>representatives</b> 195:4, 6,21,23 196:3
<b>raised</b> 199:8,10,17 204:18	<b>receiving</b> 136:23 151:25 196:23	<b>rely</b> 77:15 96:1	<b>Representing</b> 6:4
<b>raising</b> 200:14	<b>recent</b> 109:12	<b>relying</b> 215:6	<b>request</b> 70:25 72:18 73:6 86:8 102:12 118:7 124:17
<b>ramp</b> 204:1	<b>recess</b> 70:13 148:22 209:2	<b>remember</b> 15:19,22 18:13 19:11 40:17 41:13 52:15 54:3,9 56:4 65:7 71:4,7,16,17 73:15 87:6 94:21 107:7 114:18 132:10,12 148:1 150:7 154:6 168:8,11,17,22 169:1,2 170:11 171:5,9, 12,14,16,19 172:2 173:20 174:5,7,13,18 176:16 177:14,17 178:15 179:2,9 180:13,17,21 181:3,4,7,24 182:9 185:6,22 186:2,3 196:5,24 198:13 199:14, 25 203:8 205:23,24 211:5	<b>requested</b> 70:24 71:6 100:8 122:4
<b>ran</b> 64:10	<b>recognize</b> 191:24 192:1	<b>remote</b> 7:16 31:20 108:3, 4	<b>requests</b> 76:2 102:1 124:1
<b>random</b> 130:21	<b>recognized</b> 195:24	<b>remotely</b> 194:14	<b>required</b> 44:2 147:6
<b>Randy</b> 52:5,7 53:3 57:10 133:4 195:3,9,11 211:24	<b>reconnect</b> 70:11	<b>remove</b> 68:5	<b>research</b> 12:1,4,12 18:18 32:22,23 33:13 129:12 181:11
<b>Raneldon</b> 187:4	<b>record</b> 5:8 13:8 20:16 70:4 148:20 161:18 215:21	<b>removed</b> 85:8,14	<b>residence</b> 20:14
<b>rared</b> 204:5	<b>recorded</b> 113:9	<b>removing</b> 23:18	<b>resolve</b> 153:7
<b>rate</b> 34:8 142:20,23	<b>recording</b> 150:17	<b>repeat</b> 17:1 60:24	<b>Resources</b> 82:6
<b>rates</b> 33:12 165:23	<b>records</b> 34:25 49:10 60:21 61:4 77:20,24 115:12 125:1 191:20 192:3,10 193:3	<b>rephrase</b> 6:10	<b>respect</b> 34:13
<b>raw</b> 36:21 57:8,16	<b>recycle</b> 78:2	<b>replace</b> 60:11 98:19 136:9 175:16 176:1	<b>respond</b> 59:9 76:2,8 107:19 144:20
<b>reach</b> 51:3 130:12	<b>redactions</b> 208:5	<b>replaced</b> 48:17 81:14	<b>Respondent</b> 122:19 167:1
<b>reaction</b> 204:10	<b>refer</b> 8:6 131:2		<b>response</b> 58:8 72:21 86:8 111:17 143:14 188:11 192:3,11 196:24, 25 212:9
<b>read</b> 7:22 93:4 129:7,10, 16 130:2,4 160:17 161:2	<b>reference</b> 210:6		<b>responsibilities</b> 45:20, 24 122:18
<b>reading</b> 118:4 129:12	<b>referred</b> 123:3		<b>responsible</b> 110:18
<b>ready</b> 139:8,10	<b>referring</b> 99:19,23 130:7 160:20,21		
<b>real</b> 77:3 210:9 215:11	<b>reflecting</b> 102:13		
<b>reason</b> 7:8 41:7 56:21 95:7 118:23 130:2 159:14 161:2 168:1 169:9 175:3 176:4 189:19 207:19 215:7	<b>refuse</b> 194:4		
<b>reasons</b> 40:23 98:20 147:25 158:24 159:11,23			

<b>rest</b> 165:1 192:23 <b>result</b> 106:25 153:22 160:13 <b>results</b> 73:22,23 <b>resume</b> 41:12 147:25 <b>retention</b> 78:1 164:22 <b>retire</b> 172:21 <b>retired</b> 51:20 52:11,15 53:20 195:13 198:13 <b>returns</b> 139:12 <b>review</b> 120:14 149:14 150:2,14 160:1 <b>reviewed</b> 9:18 <b>reviews</b> 120:15,16 149:1, 5,16,20,24 <b>Richard</b> 180:21 <b>rid</b> 136:10 <b>ridiculous</b> 205:2 207:24 <b>rigs</b> 180:13 <b>ring</b> 181:6 <b>rings</b> 118:24 <b>ripped</b> 63:19 <b>road</b> 24:11 <b>roads</b> 25:19 <b>Rob</b> 45:12 46:8,9 47:3 71:1 72:5,19,25 75:9 81:5 84:6,12,13,19 85:4,7 93:24 94:1,5,7,16,21 95:2, 11 98:19,22,25 99:1,12 108:10 113:20 114:16,20 117:21,23 118:13 119:10 120:9 123:13 133:6,9,13 135:17 136:6,9,13 142:13 167:19 168:8,13,18,20,23 170:5,10 183:21 184:9,11, 20 194:10 197:5 211:22 212:14 213:2,10,21 214:9, 18,23,24 215:8 <b>Rob's</b> 209:24 212:5 213:19,22 <b>Robert</b> 5:16 14:19 21:25 23:6 122:18 144:24 158:24 159:1	<b>rock</b> 209:23 210:8 211:20 212:3 213:23 <b>rocking</b> 212:11 <b>Roger</b> 107:7 110:14,15 172:3,19,25 175:16 <b>role</b> 10:15 19:10,21 26:5 27:8,9 43:11,22 46:19 48:3 82:10 122:20 128:20 133:25 140:9,10,18 174:23 175:1,18 176:8 177:8 183:21 196:21 213:25 <b>roles</b> 30:5 <b>roll</b> 209:23 210:8 211:20 212:3 213:24 <b>rolling</b> 211:4,13 <b>Ron</b> 45:5 170:4 <b>Ronnel</b> 126:6 <b>Ronnell</b> 114:14 136:1 156:14 170:4,5,6,8,10 186:1 <b>room</b> 63:3 111:15 118:20 123:8,9,12,13,18 125:15, 17 126:3,14 127:8,15 130:18 132:14 133:3,16 134:21 137:8 150:10 151:5,8 183:16 185:14 212:21 214:5 <b>rounded</b> 50:8 <b>row</b> 165:18,19,21 <b>RTIDABACK@DEEDY.COM</b> 208:8 <b>RTIDABACK@DEEDYCO.COM</b> 161:19 <b>rule</b> 6:24 <b>rules</b> 6:8 201:1 <b>run</b> 27:12 33:19,24 34:10 43:1 50:6 76:24 98:21 112:15 126:24 127:6 133:16 139:10,11 142:4 166:7,9 183:13,17,25 188:4 206:19 211:22 <b>running</b> 34:2 42:6 47:14 51:7 54:8 141:5 155:21 211:7	<b>runs</b> 26:2,4 139:18 <b>Russell</b> 5:2,9 78:12 80:21 <b>Ryan</b> 186:24 190:2 <b>résumé</b> 48:2 <hr/> <b>S</b> <hr/> <b>safe</b> 45:25 68:7 69:11 114:2 119:22 170:24 <b>safely</b> 82:15 157:7 <b>safety</b> 5:20 15:4,5,8,9,11, 15,18,23 16:2,7,13,17,18, 23 17:10,11,12,15,18 18:23 19:21,22 25:2,24 36:3,14 37:6 38:7,8,9 41:23 80:2 81:4,25 82:3,5, 13 84:25 94:9,18 110:9 111:16,23,25 117:14 123:8 127:21,22 128:4,8, 12 134:22 135:7 152:24 153:6,12,21 154:17 156:4 164:14 166:1 168:21 175:18 178:7 181:24 197:18,20,22 198:25 199:16,17 200:15 <b>sales</b> 24:3 31:15,25 32:4, 6 42:2 <b>salesperson</b> 82:23 <b>samples</b> 198:17 <b>Sarah</b> 181:7 <b>Saturdays</b> 142:7 <b>save</b> 191:9 <b>saved</b> 190:8 <b>savvy</b> 131:3 <b>scan</b> 196:10 197:15 <b>scanned</b> 197:16 <b>scared</b> 205:18 207:3 <b>schedule</b> 41:20 42:1,7,19 50:7,9 55:13,16 63:14,16 64:1 66:7 126:16,17 140:9,20 142:3 144:3 155:18 183:3 <b>scheduled</b> 65:23 67:4,6 130:8,10 141:13	<b>schedules</b> 53:8 123:25 <b>school</b> 9:25 48:1 181:14 <b>schooling</b> 181:15 <b>Schreiber</b> 40:17 98:13 136:6 174:4 193:5 <b>science</b> 10:5 <b>screen</b> 7:24 57:22 101:22 103:23 108:2 109:19 116:11,15 144:10 162:23 166:20 209:15 <b>scroll</b> 58:3,5 71:10,20 73:4 78:21 86:15,19 88:15,17 97:6 100:5,13 101:23 102:5,11 104:19 113:19 119:22 122:13 158:22 188:17 189:21 192:16 <b>scrolling</b> 101:13 167:5 <b>search</b> 34:18 70:25 72:20 74:6,14,15,17 77:23 78:13,19,20,24 86:21 92:12 96:10,16,18 102:17 103:3,11 <b>searches</b> 74:1 75:16 <b>searching</b> 72:5 73:15 <b>Secretary</b> 5:16 <b>seminars</b> 16:23 <b>send</b> 77:4 129:21 163:20 210:15 <b>sending</b> 71:16 <b>Seneca</b> 20:24 22:22 23:21 24:17 207:7 <b>senior</b> 38:14 41:6 123:18 132:16 154:23 155:4 <b>sense</b> 8:19 35:23 78:25 101:7 123:14 <b>sentence</b> 210:21 212:23 <b>separate</b> 23:22 48:15 49:3,4 73:6,13 76:25 <b>September</b> 208:15 <b>service</b> 15:21 16:4 <b>set</b> 24:19 30:23 51:13 55:8 122:17 130:22 158:23 173:1
---	--	---	---



<b>setting</b> 72:6 214:20 <b>shadetree</b> 178:9 <b>shadowing</b> 19:14 <b>Shafer</b> 176:11 <b>shakes</b> 20:5 <b>Shallenburger</b> 177:15, 17 <b>share</b> 7:24 55:14 57:21 69:10 77:17 85:24 88:14 90:7 92:1 100:4 101:22 103:23 108:2 109:19 116:11,15 121:21 144:10 147:10 158:19 162:23 166:20 187:18 196:13 209:14 <b>shared</b> 40:5,6 134:24 154:22 205:13 <b>Sharepoint</b> 112:13 <b>sharing</b> 61:12 70:10 85:19 88:9 90:6 91:25 92:22 95:5,16 97:2 99:25 101:18 103:19 105:11 107:23 108:25 116:6 121:19 141:24 144:6 146:3 147:4 148:11 161:11 162:21 164:11 170:7 187:17 191:13 194:9 197:7 208:17 215:10 <b>Shawn</b> 203:12 <b>shed</b> 25:19 <b>sheds</b> 23:22,25 36:22 84:21 <b>sheet</b> 63:22 <b>sheets</b> 42:17 63:23 183:6 <b>sheez</b> 204:13 <b>shell</b> 162:10 <b>shift</b> 38:5 42:8,9,13,17,19, 23,24 43:1,3,4,14,22 45:9 49:25 50:2 51:15 53:1 54:8,10 59:6 62:7 64:25 65:1,6,9 81:5 87:7 98:11, 20,22,23,24 99:1,14 113:25 114:10 116:24 117:8,9 122:22 124:7,18, 20 127:5,12,14,16 128:8	135:23 138:22 140:18,25 145:12 164:15 166:8,11 183:2,8,15 214:6 <b>shifts</b> 50:6 64:23 65:3,13 98:21 <b>shipments</b> 27:1 <b>shipped</b> 42:21 <b>shipping</b> 41:24 136:23 137:14,23 138:23 139:8, 12,13 176:14 177:9 183:9 184:7 <b>shipping/receiving</b> 123:21 <b>shook</b> 204:16 <b>shop</b> 40:11 48:1 85:19 99:25 108:25 <b>short</b> 31:3 151:12 182:16 <b>shorten</b> 96:3 <b>shorthanded</b> 42:12 <b>show</b> 38:6,20 42:14 45:25 57:22 61:13 72:13 74:8,10 85:18 92:22 100:1 103:20 105:11 109:16 113:6 116:7 139:1,2 142:9,11 144:7 145:14,19 146:4,25 147:8 166:19 181:2 191:14 196:11 208:1 212:25 <b>showed</b> 73:23 126:14 129:11 182:13,14 <b>showing</b> 36:16 60:13 84:9 98:24 129:6 135:11 142:19 146:15,16,20 180:23 184:16,17 <b>shown</b> 74:22 129:10,13 133:4 <b>shows</b> 38:24 72:8 78:16 84:19 89:25 102:25 111:13 126:2 133:14 139:9 <b>shut</b> 54:18 64:12 203:16 207:15,18 211:8,18 212:11 <b>shutdown</b> 50:4 127:4,17 133:15	<b>shutting</b> 203:14 <b>sick</b> 166:16 <b>side</b> 15:16 16:14 17:16 24:20,21 25:16 31:2 38:9, 10 64:3 111:19 152:17 <b>sides</b> 24:1 <b>sign</b> 106:17 107:6,8 194:4,5 <b>signature</b> 110:6 190:21 191:2 <b>signed</b> 106:14 110:5 111:13 193:5 194:1 <b>significantly</b> 50:17 <b>similar</b> 190:4 <b>simplest</b> 137:20 <b>Sims</b> 203:8,9,15,20 <b>sister</b> 178:15 <b>sister's</b> 178:16 <b>site</b> 194:21 203:10 <b>sits</b> 138:1 185:13 <b>sitting</b> 161:5 190:23 191:7 <b>situation</b> 94:9,19 200:17 202:21 <b>six-hour</b> 54:10 <b>size</b> 63:15 137:6 <b>skin</b> 171:14 <b>skipping</b> 116:9 <b>slide</b> 38:21 <b>slip</b> 42:17 63:22,23 183:5 <b>slow</b> 178:8 <b>small</b> 123:23 145:1 <b>smaller</b> 119:3 <b>smart</b> 175:7 <b>Smith</b> 5:13 70:8 <b>smoother</b> 83:5 <b>smoothly</b> 42:6 <b>Snodgrass</b> 185:19,21 <b>SO-268</b> 64:19	<b>socks</b> 212:12,19 <b>sold</b> 23:14 <b>solely</b> 133:24 <b>Solicitor</b> 5:12,15 <b>somebody's</b> 67:20 76:24 <b>someone's</b> 179:7 <b>something's</b> 26:21 27:5 137:18 152:13 <b>SOPS</b> 16:13 31:9 117:17 <b>sort</b> 14:24 16:24 17:2 31:7 34:11 37:7 38:24 55:7,9 65:23 67:3 112:3 128:5 133:18 146:19 150:1 182:23 <b>sound</b> 167:9 <b>sounds</b> 54:12 94:13 112:3 140:7 <b>south</b> 180:14 <b>southwest</b> 9:6 <b>speak</b> 9:12,21 <b>speaking</b> 7:3 <b>Spears</b> 14:2,18 26:6,25 27:8,12 37:25 39:15,23 40:9,17 41:3 43:20 44:12, 16 45:8,11,13 48:3,7,13, 18 66:1 68:19 89:10,13 90:2 92:18 93:16 133:5 134:7,9 163:16,18,20 179:12,15 187:13 190:19 196:18,21 197:8 <b>Spears'</b> 26:5 41:14 47:6 191:1 <b>special</b> 16:9,11 135:6 <b>specialist</b> 36:15 110:9 127:23 128:4,8,12 135:7 <b>specialized</b> 37:5 38:12 <b>specific</b> 24:19 37:5,12 73:7 118:5 127:1 128:25 129:2 130:2 156:21 160:21,22 189:14 199:7 201:4 <b>specifically</b> 14:23 16:3 30:4 35:4,5 100:24 118:10,12 140:13 143:5
---	---	---	---

158:21 166:22 169:23 192:24 197:21 198:5 199:14 210:25 <b>specifics</b> 102:18 <b>spend</b> 48:7,13 <b>spending</b> 177:20 <b>spent</b> 11:21 <b>spin</b> 200:4 <b>spoke</b> 18:15 <b>sporadic</b> 29:12 <b>spreadsheet</b> 58:25 59:3, 7,9 62:2 126:17 133:22 150:17 <b>spring</b> 55:4 <b>stabbed</b> 171:10 <b>stack</b> 200:2 <b>stacker</b> 114:6 <b>stacking</b> 199:18,20,22 200:10 <b>staff</b> 19:13 30:19 31:3 <b>staffed</b> 165:12,14 <b>stamp</b> 130:3 <b>stand-downs</b> 16:23 <b>standard</b> 144:1 <b>standards</b> 16:24 17:2,5, 15,20 19:25 20:3 128:18 129:1,2 <b>standing</b> 203:25 <b>start</b> 24:24 29:17 35:10, 15 39:15 63:9,13 64:14 127:1 137:21 211:6 <b>started</b> 15:19,21 18:21 23:11 60:13,14 64:19 97:10 133:9 145:13 147:22 151:6,8 170:18 203:12 <b>starting</b> 20:3 58:14 100:17 102:21 151:4 170:16 211:9 <b>starts</b> 102:10 201:6 <b>startup</b> 50:3 123:7 126:18,22 127:17 133:10,	15 <b>Startup/shutdown</b> 123:20 <b>state</b> 5:7 36:22 189:18 <b>stated</b> 40:21 53:3 139:7 <b>statement</b> 7:17 9:17 44:7 210:4 <b>states</b> 36:6 71:2 75:2 91:5 138:23 139:16 160:11 165:1 196:5 <b>statin</b> 199:19 <b>stating</b> 160:22,23 199:23 <b>status</b> 197:9 <b>stay</b> 138:3 174:24 175:24 <b>stayed</b> 145:6 <b>stealing</b> 184:25 <b>step</b> 42:25 132:23 202:22 <b>stepped</b> 206:14 <b>steps</b> 24:10 25:23 138:14 <b>stick</b> 90:22 <b>stock</b> 64:17 <b>stockyard</b> 23:24 <b>stole</b> 139:16 185:3 <b>stomp</b> 135:18 <b>stop</b> 61:11 70:10 88:8 90:6 91:24 92:21 95:5,16 97:1 101:18 103:19 105:11 106:1 107:23 116:6 121:18 141:24 144:5 146:2 147:4 148:10 161:10 162:20 164:11 187:16 191:13 194:9 197:7 208:17 215:9 <b>stopped</b> 59:22 180:23 <b>storage</b> 111:22 <b>stored</b> 115:5,6 120:11 197:17 <b>story</b> 156:18 175:14 205:8 <b>street</b> 24:25 136:3 185:2 <b>stretch</b> 137:25 183:6	<b>strictly</b> 79:17 <b>structure</b> 12:14 <b>struggle</b> 60:1 <b>struggled</b> 137:1 138:20 <b>struggling</b> 183:21 184:9 <b>stubs</b> 142:14,17 143:3,17 <b>studied</b> 18:7,10 <b>stuff</b> 17:7,12 18:24 19:23 20:16 27:3 29:8 30:20,23 31:4,7,9,13,16 32:21 33:12,15 34:9 38:11,22 40:14 42:17,22 44:3 46:2 53:9 57:6 68:21 83:6,19 85:12 92:12 115:22 118:9 119:3 129:9 131:8 133:1, 10 153:8 173:3 185:4,15 197:15 198:22 200:22 202:25 <b>substance</b> 7:12 <b>successful</b> 41:2 135:23 <b>sucked</b> 19:15 <b>suffering</b> 7:12 <b>suggest</b> 70:8 <b>summer</b> 55:4 <b>supervise</b> 43:17 44:24 45:15,21 <b>supervises</b> 45:7,8 <b>supervising</b> 46:4,5 <b>supervisor</b> 44:16,21 45:12 46:10 47:1,2,3 124:7 203:11 204:5 <b>supplies</b> 126:24 127:9 <b>supply</b> 124:1 133:18 <b>support</b> 75:2,21 <b>supposed</b> 55:14 81:16 113:25 114:8,9,10 118:15 125:3,11,20 126:22 127:21 139:4,5 157:6 201:5 213:1 <b>sworn</b> 5:3 <b>system</b> 62:10 143:9 176:22 185:15	<hr/> <b>T</b> <hr/> <b>Tablet</b> 104:11 <b>tablets</b> 111:9 <b>tagged</b> 85:17 <b>tailor</b> 190:10 <b>takes</b> 23:20 47:15 166:15 <b>taking</b> 7:1 25:19 127:9 137:21 138:14 176:18 178:18 184:11 <b>Talbert</b> 186:7 <b>talk</b> 6:25 15:17 27:25 28:10 34:1 52:7 68:19 131:25 151:15 164:7 168:6 170:8,9 173:17 201:25 206:6 207:1 <b>talked</b> 14:10 64:9 76:22 87:14 120:13 141:25 148:3 150:15,24 151:2 157:5 158:15 164:9 169:23 174:11,16 179:18, 19,21 182:1 185:11 205:6, 12 <b>talking</b> 15:3,4 27:22 31:7 62:3 66:24 90:23 114:19 116:23 132:7 149:20 154:5 160:4 179:22 192:7 205:21 <b>talks</b> 68:20 133:17 136:23 140:1 <b>tall</b> 169:4,5 <b>tank</b> 185:1 <b>tanks</b> 185:4 <b>task</b> 113:24 126:7 127:1 133:19 135:13 140:25 <b>tasked</b> 26:13 45:22 46:3, 17 82:16 123:10 124:25 126:12,19 127:7 128:3 134:3,11,18 135:9 138:10 140:24 <b>tasking</b> 46:21 166:2,3 170:6 <b>tasks</b> 25:10 47:15 124:2 126:5 140:20
---	---	---	--

<p><b>taught</b> 128:10</p> <p><b>teacher</b> 48:1</p> <p><b>team</b> 40:21 50:24 75:2 81:12 124:1 140:12,19 141:12 174:12</p> <p><b>teammates</b> 156:3</p> <p><b>Teams</b> 26:11,13 27:7,19 28:3,5 29:1,7,8,13,19,20 39:5 44:9 52:23 62:12,16, 17 65:16 67:7,8,21,22,24 68:7 72:6,11,15,18,24 73:7,18 74:3,7,8,11 76:1, 5,12,17 77:7,15,21 87:12 88:21,23,25 89:7,21 90:2, 18 91:10,20 93:6 96:4,22 97:8 98:1 100:14,18 101:9 102:6,14,22 103:8,14,15, 16,25 105:8 111:7 112:19 115:3,5 117:13 125:5,8 132:4 145:10 189:3 197:16</p> <p><b>technician</b> 16:4 185:22</p> <p><b>telling</b> 155:1 156:18 170:21 175:24 178:20 180:3 206:5</p> <p><b>tells</b> 141:3</p> <p><b>temperature</b> 50:23 51:8, 16 54:18,19</p> <p><b>temperatures</b> 54:17</p> <p><b>template</b> 191:6</p> <p><b>ten</b> 23:21 131:15,16 200:3,11 211:9</p> <p><b>term</b> 96:6</p> <p><b>terminate</b> 151:19 154:2 155:7 158:12,25 163:24 171:1</p> <p><b>terminated</b> 67:23 95:2 146:24 153:9,13 154:4 155:13 158:24 159:11,15, 24 160:10 161:1,7 163:22 164:8 169:14 170:17 171:20 177:22,23 178:2 179:4 186:3,4,7,12 189:11,15</p> <p><b>terminating</b> 154:12 167:23 190:12</p> <p><b>termination</b> 43:9 151:16</p>	<p>152:4 156:21 159:5 160:12 163:3,25 186:14, 22 187:8 188:1,9,20,23 189:9 190:6 191:6</p> <p><b>terminations</b> 188:12</p> <p><b>terms</b> 35:18 70:25 76:3</p> <p><b>terrible</b> 52:21 53:10</p> <p><b>Terry</b> 177:25 178:14 179:2 180:16,17 190:1</p> <p><b>Terry's</b> 178:14,16</p> <p><b>test</b> 175:22</p> <p><b>testified</b> 5:3</p> <p><b>Texas</b> 18:12</p> <p><b>text</b> 29:2,9,15,18 114:18</p> <p><b>that'll</b> 57:4</p> <p><b>that--but</b> 8:1</p> <p><b>thing</b> 6:19 15:11 29:11 34:1 43:24 51:18 69:13 77:14 113:11 116:25 126:13 130:22 156:21 166:18 173:3 175:23 177:7 178:1 182:25 191:19 204:23 206:4,22 209:7 211:12,15 214:8</p> <p><b>things</b> 22:4,5 25:6 30:12 32:13 42:10 46:18 49:8 51:10,12,23 72:13 82:15 85:7 114:17 120:12,13,17 129:8 135:9,24 137:20 155:3,19 157:7 163:19 165:22 169:6 172:10,17 173:11,12 177:3 178:17 184:23 190:5 197:2 199:3 203:17 207:21 211:15 213:15 215:6</p> <p><b>thinking</b> 136:8</p> <p><b>thinks</b> 33:22</p> <p><b>thought</b> 98:21 123:4 154:7 168:12 182:6 195:9</p> <p><b>thousand</b> 16:3 57:1</p> <p><b>threaten</b> 202:24</p> <p><b>threatened</b> 202:11 204:21 205:16 207:4</p> <p><b>threatening</b> 202:23</p>	<p><b>Tidaback</b> 5:2,9 9:10 12:16 14:12 20:9 78:12 80:22 91:21 209:9</p> <p><b>tied</b> 206:22</p> <p><b>till</b> 141:19</p> <p><b>time</b> 6:18 11:20 14:4 16:1 21:1,17 22:3,13 23:12,13 29:24 42:14 51:1 52:10 56:13 57:3 60:11 63:13,24 64:20 65:2 68:17 69:16,25 70:1 77:3 81:2,5,10 82:23 83:7 84:4 87:8 90:23,24 95:11 98:6,13,14 99:3 100:16,24 101:5,6 105:25 106:12,14 110:10 113:8, 21 118:7,25 119:2 123:7, 11 124:24 125:5,7,16 131:11,25 132:3,6,11 133:8 137:1 140:5,23 144:2 145:11 146:17,20, 23 148:12 150:7 151:1,13 152:20,23 153:2 156:19 157:21 158:4 160:17 163:10,12 167:8,12 168:13 173:22 177:20 180:9 182:16 187:10 201:10 203:8,10 205:17 207:4 210:11 212:24</p> <p><b>times</b> 22:2 29:21 36:19 50:8 62:20 65:6 77:7 130:23 131:21 136:8 137:19 139:7,17 149:13 178:20 179:18 184:21 185:11</p> <p><b>timing</b> 22:7 54:6 119:11 158:5</p> <p><b>title</b> 10:23 19:11 91:5 93:4,21 95:23 96:2 97:17 98:6 117:6 122:17 166:24 182:24</p> <p><b>titles</b> 16:3 43:7 96:1</p> <p><b>today</b> 7:8,14 9:4 82:1 132:24 160:24 207:3 209:6</p> <p><b>today's</b> 9:16</p> <p><b>told</b> 8:9,10 50:13 52:17 53:15 67:25 114:4 118:10 135:10 138:16 168:12 184:18 197:2 201:22,25 204:2,6 212:20</p>	<p><b>tons</b> 49:22</p> <p><b>tool</b> 77:1,12 141:7,8</p> <p><b>top</b> 35:6 78:8 86:4 95:1,8 100:18 101:18 104:13,19 132:14 136:16 145:3 149:11 190:25 199:20 209:15</p> <p><b>topics</b> 73:7</p> <p><b>totally</b> 15:11 49:3</p> <p><b>touch</b> 138:19</p> <p><b>town</b> 172:1</p> <p><b>Townsend</b> 36:13,14 44:20 78:16 80:2 82:1</p> <p><b>track</b> 77:18,22 125:3 131:8 134:1</p> <p><b>tracker</b> 125:5,7 140:5 145:11</p> <p><b>tracking</b> 123:7 124:25</p> <p><b>train</b> 17:23 176:1 207:14 213:12</p> <p><b>trained</b> 25:2</p> <p><b>trainer</b> 25:23 110:16</p> <p><b>training</b> 14:24 15:4,5,6,7, 8,24 16:13,15,19,21 17:4, 24 18:3 25:2,3 35:25 36:1, 2,9 37:4,5 38:9,12,13 45:24 46:21 76:15 110:2, 3,12,13,15,18,21,22 127:25 128:5,6,7,16,24,25 129:3 133:19,20 135:4 153:7 177:1 180:24 182:14 211:22,23</p> <p><b>transition</b> 119:11</p> <p><b>trashed</b> 63:21</p> <p><b>travel</b> 29:24</p> <p><b>tripoli</b> 5:18 10:16,24 11:2, 3,11,21 12:22 13:3,9,15, 16,17,18 14:1,17,21,25 18:25 20:4,11,17 23:11,17 25:16 30:4,13 31:17,19 32:17 33:4 34:23 35:11 38:15 39:12,16,22 44:22 46:9 47:1,4,19 51:21 57:12 65:15,25 67:5,9,14 68:10 74:4 76:13 96:23 98:9 106:16 107:18</p>
---	--	--	--

108:11 119:21 120:10 132:9 164:12 167:2,15 173:6 174:22 187:5 194:22 201:1 <b>Tripoli's</b> 62:10 <b>troubleshooting</b> 167:21 <b>truck</b> 23:19,20 24:4 42:21 137:22,23 139:4,6,9,11 <b>truckers</b> 139:1,2 <b>trucks</b> 25:18 138:6 <b>true</b> 60:5,20,25 65:19 75:25 77:5 87:11 90:1 91:19 92:16 93:15 96:21 97:25 101:8 103:14 105:7 107:17 108:22 110:20 114:21 115:11 119:19 143:16 144:23 162:15 188:20 192:9 208:13 <b>Trujillo</b> 168:11 173:19 <b>trusting</b> 202:2 <b>truthful</b> 7:9,14 <b>tube</b> 111:18 <b>turned</b> 186:22 187:7 <b>turnover</b> 22:10 50:17 149:22 167:19 <b>type</b> 16:25 30:12 44:8 45:18 52:21,22 63:19 69:13 136:14 141:12 163:20 165:3,7 191:8,10 197:13 <b>typed</b> 190:23 <b>types</b> 43:2 63:20 <b>typical</b> 49:6 <b>typically</b> 34:15 164:14 <b>typo</b> 59:24 <hr/> <b>U</b> <hr/> <b>U.S.</b> 13:6 40:10 <b>ultimate</b> 33:2 <b>uncalled</b> 203:1 <b>undergrad</b> 10:4 <b>underground</b> 23:16	<b>underneath</b> 23:24 <b>understand</b> 6:9,15 7:6 36:6,24 52:10 56:16 67:22 74:15 94:14 135:5 139:23, 24 140:11,15 156:6 157:24 158:14 166:6 177:2 179:4 184:14 185:24 188:6 202:15 <b>understanding</b> 5:21 36:20 75:16 129:19 130:19 163:11 192:17 194:18 <b>understood</b> 6:12 208:21 <b>union</b> 39:13 <b>unit</b> 18:22 <b>United</b> 165:1 <b>university</b> 18:11,12,13 <b>unknown</b> 89:14,18,25 90:3 91:12 <b>update</b> 140:19 <b>upset</b> 203:22 206:1 <b>user</b> 89:14,18 90:3 91:12 <hr/> <b>V</b> <hr/> <b>vacation</b> 21:7 42:25 132:17 <b>Van</b> 198:20 <b>Vandorn</b> 198:14,15,21 <b>varies</b> 49:16,18 <b>vehicle</b> 16:17 <b>verbal</b> 44:2 149:8 150:1 <b>verbally</b> 7:4 168:23 178:23,25 207:15 <b>version</b> 108:7 <b>versus</b> 24:20 88:25 92:9 158:3 <b>video</b> 22:18 70:10 <b>view</b> 109:4 <b>vindictive</b> 203:3 205:9 207:17 <b>visit</b> 203:10	<b>visited</b> 202:9 <b>voiceful</b> 136:5 <b>volunteers</b> 79:24 <hr/> <b>W</b> <hr/> <b>walk</b> 24:9 36:15 132:20 212:21 <b>walk-through</b> 37:3 <b>walked</b> 125:16,18 204:17 <b>walking</b> 48:8 111:10 <b>walks</b> 36:13 <b>wall</b> 126:4 <b>wanted</b> 13:7 44:5 98:22 126:5 174:24 175:15,16 181:14,23 206:13 208:20 209:7 <b>wanting</b> 106:2 182:4 <b>warehouse</b> 24:17 25:8 138:1 <b>warm</b> 138:4 <b>warrant</b> 202:16 <b>Wasson</b> 84:3,16 184:24, 25 <b>Wasson's</b> 84:12 <b>watching</b> 125:12 <b>Waters</b> 181:19 <b>Wayne</b> 5:9 <b>ways</b> 173:1 <b>wear</b> 200:20 <b>weather</b> 54:6,13 <b>website</b> 108:7 109:5 <b>Wednesdays</b> 141:18 <b>week</b> 11:20 21:6 23:2 39:1 41:18 49:6 54:16 66:6,9,19 124:12,14 142:1,2 143:20,21,23 <b>week's</b> 94:8,17 <b>weekends</b> 124:18 <b>weekly</b> 28:16,17 66:22	<b>weeks</b> 28:18 29:15 143:22,23 <b>west</b> 111:19 <b>whatever's</b> 20:21 <b>Wheeler</b> 89:15,17 90:3 91:13,20 185:5,6,7 205:23 <b>Wheeler's</b> 169:24 170:1 <b>whipping</b> 152:8 <b>white</b> 126:8 <b>whoa</b> 204:19 <b>wide</b> 46:13 <b>wife</b> 187:2 <b>William</b> 177:15 <b>Williams</b> 114:15 136:4,5 150:19 179:17 181:17,18 187:4 192:20 205:22 <b>Willis</b> 171:25 172:6,8 <b>windows</b> 138:2 <b>wipe-off</b> 126:8 <b>withdrawal</b> 94:10,19 <b>word</b> 53:2 72:23 96:13,24 108:7 116:24 148:8 <b>wording</b> 193:22 203:5 <b>words</b> 72:5,18,25 73:19, 24 74:5,16,21 96:9 202:12 <b>work</b> 11:1,3,5,23,25 12:2, 9,11 14:21 15:18 16:12 18:5 20:17 23:17 24:20 28:3 31:19 34:20,21 38:19 62:21 64:24 65:5 67:14 68:10 81:15 87:16 98:18, 23,25 105:2 124:3,13,14, 16,17 132:3,19 135:5,6 140:16 148:16,19 172:14, 23 174:2,8 176:7,25 177:4,5,21 178:3 179:11 182:20 185:9 187:3 189:18 207:5 <b>worked</b> 19:6,12 46:18 52:13 57:12,13 98:8 121:2 125:1,4 133:6,9 142:1 145:19 175:20 <b>workers</b> 107:14
--	--	--	--

**working** 11:21 14:25  
 18:25 19:3,17 20:3,11  
 23:7 34:23 35:10 39:15  
 47:19 50:25 63:11 64:19  
 81:12 114:5,6 124:3  
 126:15 152:13 156:2,3

**workload** 141:16 170:7

**workplace** 111:5,8  
 113:17,20 114:1,8 115:12  
 126:23 150:11 152:7

**works** 36:17 128:23  
 138:15 181:10

**world** 178:22

**worried** 90:25

**wrap** 137:13 183:6

**wrap-up** 209:5

**wrapped** 137:24,25  
 183:10

**wrapper** 200:4,6,8

**wraps** 115:21

**write** 8:9

**write-ups** 43:19

**writing** 8:7,8 126:8

**written** 44:2 127:14  
 149:24,25 163:7 193:2,9

**wrong** 33:9 72:23 137:18  
 157:17 178:17 204:23,24

**wrote** 8:9 111:23 191:3

**Wyoming** 10:22

---

**X**


---

**X-RAY** 185:22

**X-Y-Z** 135:3

---

**Y**


---

**yard** 139:12,13

**year** 21:6,12 31:2 40:2  
 78:4,18 79:1 93:19 109:9  
 195:1 198:23,24

**years** 15:15 18:7 39:25  
 40:3 52:12 57:12 172:20

193:20 195:5 199:4,5

**yelling** 204:24

**you--that** 18:14

**young** 40:11

**younger** 40:12

---

**Z**


---

**Zoom** 70:9

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**RESPONDENTS RESPONSE TO ACTING SECRETARY OF LABOR'S THIRD  
REQUESTS FOR PRODUCTION OF DOCUMENTS**



## **ANSWERS FOR PRODUCTION OF DOCUMENTS**

1. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a daily basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

2. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a weekly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

3. Produce documents reflecting the amounts (including the pounds) produced at the MOSenecaMfr LLC dba American Tr mine on a monthly basis from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly summaries, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

4. Produce the documents reflecting production at the MOSenecaMfr LLC dba American Tr mine from January 1, 2022 through January 1, 2023.

RESPONSE: Please find attached the comprehensive production report that includes the requested information. This report provides a detailed breakdown of daily production, as well as weekly and monthly, covering the entire period in question. We believe this report should fulfill your requirement for production data during the specified time frame.

Respectfully submitted,

Russell Tidaback  
American Tripoli



Date	Lbs produced
24-Jan-22	16500
25-Jan-22	8000
26-Jan-22	10000
27-Jan-22	36000
	880000
28-Jan-22	80000
22-Feb-22	9600
25-Feb-22	2000
28-Feb-22	28400
1-Mar-22	10000
	26000
2-Mar-22	30000
3-Mar	15000
	12000
4-Mar-22	30000
	18000
7-Mar-22	6000
8-Mar-22	18000
	4400
	6000
9-Mar-22	4000
10-Mar-22	36000
14-Mar-22	36000
15-Mar-22	28000
16-Mar-22	14000
	30000
17-Mar-22	32000
	4000
	0
21-Mar-22	40000
	36000
22-Mar-22	40000
	0
	2000
	4000
	14800
23-Mar-22	2000
	3200
	3600

## EXHIBIT 1

Exhibit P-43, Page 84

Date	Lbs Made
1/1/2022	10800
4/7/2022	8000
4/8/2022	
4/11/2022	
4/12/2022	27000
4/12/2022	14400
4/13/2022	
4/14/2022	
4/15/2022	
4/18/2022	
4/19/2022	900
4/20/2022	12600
4/20/2022	4000
4/20/2022	21600
4/21/2022	
4/22/2022	14400
4/22/2022	24000
4/27/2022	10800
4/27/2022	8000
4/27/2022	25200
4/27/2022	11600
4/27/2022	10800
4/27/2022	4000
4/28/2022	25200
4/28/2022	24000
4/28/2022	20000
4/29/2022	18000
4/29/2022	3600
4/29/2022	10000

## EXHIBIT 1

Exhibit P-43, Page 85

Date	Lbs Made
5/2/2022	4000
5/2/2022	2000
5/2/2022	30000
5/2/2022	12000
5/3/2022	16000
5/3/2022	4400
5/3/2022	19500
5/3/2022	2000
5/3/2022	8000
5/4/2022	4000
5/4/2022	10000
5/4/2022	42000
5/5/2022	6000
5/5/2022	12000
5/5/2022	12500
5/5/2022	2000
5/6/2022	4000
5/6/2022	
5/9/2022	30000
5/9/2022	10000
5/10/2022	4000
10-May	4000
5/10/2022	14000
5/11/2022	4500
5/11/2022	2000
5/11/2022	400
5/11/2022	2600
5/12/2022	1500
5/12/2022	2400
5/13/2022	4200
5/16/2022	10425
5/17/2022	
5/18/2022	
5/19/2022	
5/23/2022	6000
5/24/2022	20000
5/24/2022	7500
5/25/2022	10500
5/25/2022	6000
5/26/2022	17800
5/26/2022	12100
5/26/2022	10000
5/27/2022	3200
5/27/2022	10000
5/31/2022	12650
5/31/2022	4000

## EXHIBIT 1

Exhibit P-43, Page 86

Date	Lbs Made
6/1/2022	11600
6/1/2022	11500
6/1/2022	4000
6/1/2022	20000
6/1/2022	10000
6/2/2022	12000
6/2/2022	2600
6/2/2022	7200
6/2/2022	1100
6/2/2022	20000
6/3/2022	20000
6/6/2022	10000
6/7/2022	2000
6/8/2022	4000
6/8/2022	0
6/9/2022	8000
6/9/2022	36000
6/13/2022	20000
6/13/2022	14000
6/14/2022	20000
6/14/2022	30000
6/14/2022	10000
6/14/2022	4000
6/15/2022	16000
6/15/2022	30000
6/15/2022	4000
6/16/2022	10000
6/16/2022	16000
6/16/2022	24000
6/16/2022	6000
6/16/2022	4000
6/18/2022	40000
6/20/2022	36000
6/20/2022	10000
6/20/2022	30000
6/20/2022	20000
6/20/2022	2000
6/21/2022	30000
6/21/2022	40000
6/21/2022	12000
6/21/2022	2000
6/22/2022	6000
6/22/2022	4000
6/22/2022	2500
6/22/2022	5000
6/22/2022	2500

## EXHIBIT 1

Exhibit P-43, Page 87

Date	Pounds for the
7/1/2022	
7/1/2022	
7/1/2022	
7/1/2022	
7/1/2022	55,200
7/4/2022	
7/5/2022	
7/5/2022	17,200
7/6/2022	
7/6/2022	
7/6/2022	
7/6/2022	70,200
7/7/2022	
7/7/2022	29,000
7/8/2022	
7/8/2022	
7/8/2022	
7/8/2022	36,000
7/11/2022	
7/12/2022	
7/12/2022	
7/12/2022	
7/12/2022	46,000
7/13/2022	
7/13/2022	
7/13/2022	44,000
7/14/2022	2,100
7/15/2022	
7/15/2022	
7/15/2022	44,000
7/18/2022	
7/18/2022	
7/19/2022	
7/20/2022	
7/21/2022	
7/21/2022	5,000
7/21/2022	
7/21/2022	54,000
7/22/2022	
7/22/2022	56,000
7/22/2022	
7/22/2022	9,200
7/23/2022	7,650
7/25/2022	

## EXHIBIT 1

Exhibit P-43, Page 88

Date	Lbs Made
8/1/2022	
8/2/2022	
8/3/2022	
8/4/2022	
8/8/2022	2,000
8/8/2022	40,000
8/8/2022	6,000
8/8/2022	10,000
8/8/2022	40,000
8/8/2022	6,000
8/9/2022	34,000
8/9/2022	22,000
8/9/2022	34,000
8/9/2022	22,000
8/10/2022	18,000
8/10/2022	20,000
8/10/2022	20,000
8/10/2022	26,000
8/10/2022	
8/10/2022	20,000
8/10/2022	8,000
8/10/2022	8,000
8/11/2022	4,000
8/11/2022	8,000
8/11/2022	900
8/11/2022	20,000
8/11/2022	10,000
8/11/2022	4,000
8/11/2022	8,000
8/12/2022	14,000
8/12/2022	8,000
8/12/2022	4,000
8/12/2022	4,000
8/12/2022	14,000
8/12/2022	6,000
8/13/2022	20,000
8/15/2022	24,000
8/15/2022	2,000
8/15/2022	18,000
8/15/2022	34,000
8/16/2022	14,000
8/16/2022	27,000
8/16/2022	800

## EXHIBIT 1

Exhibit P-43, Page 89

Date	Lbs Made
9/1/2022	
9/1/2022	
9/1/2022	
9/1/2022	
9/2/2022	2000
9/2/2022	40000
9/2/2022	6000
9/2/2022	10000
9/5/2022	40000
9/8/2022	6000
9/9/2022	34000
9/9/2022	22000
9/9/2022	34000
9/9/2022	22000
9/9/2022	18000
9/9/2022	20000
9/9/2022	20000
9/9/2022	26000
9/10/2022	27000
9/12/2022	4000
9/12/2022	8000
9/12/2022	2000
9/12/2022	
9/13/2022	
9/13/2022	
9/14/2022	2800
9/14/2022	1000
9/14/2022	500
9/14/2022	12000
9/14/2022	2700
9/14/2022	15300
9/15/2022	
9/15/2022	
9/19/2022	
9/19/2022	
9/20/2022	
9/20/2022	
9/21/2022	
9/21/2022	
9/22/2022	
9/22/2022	
9/23/2022	
9/26/2022	
9/26/2022	
9/27/2022	
9/27/2022	

## EXHIBIT 1

Exhibit P-43, Page 90

Date	Lbs Made
10/3/2022	0
10/3/2022	0
10/4/2022	0
10/4/2022	0
10/5/2022	0
10/5/2022	0
10/6/2022	0
10/6/2022	0
10/7/2022	0
10/7/2022	0
10/10/2022	6000
10/10/2022	13000
10/10/2022	2000
10/10/2022	2000
10/10/2022	2000
10/10/2022	3000
10/10/2022	4850
10/10/2022	24300
10/11/2022	5150
10/11/2022	3750
10/11/2022	1000
10/11/2022	14000
10/12/2022	2000
10/12/2022	14000
10/13/2022	150
10/13/2022	1950
10/13/2022	525
10/14/2022	8000
10/14/2022	11500

# EXHIBIT 1

Exhibit P-43, Page 91



Date	Lbs Made
	0
11/3/2022	8000
11/3/2022	2000
11/3/2022	2000
11/3/2022	19200
11/3/2022	2000
11/8/2022	2000
11/8/2022	14000
11/8/2022	4800
11/8/2022	8000
11/8/2022	24400
11/9/2022	8000
11/9/2022	2000
11/9/2022	18900
11/10/2022	2100
11/10/2022	4800
11/10/2022	2500
11/10/2022	400
11/10/2022	2000
11/10/2022	2000
11/10/2022	2200

# EXHIBIT 1

Exhibit P-43, Page 92

Date	Lbs Made
12/14/2022	14000
12/14/2022	12000
12/15/2022	26000
12/19/2022	2000
12/19/2022	20000
12/20/2022	6000
12/20/2022	18000
12/21/2022	4700
12/21/2022	2000
12/21/2022	8000
12/22/2022	7300
12/22/2022	2000
12/26/2022	2000
12/26/2022	2000
12/26/2022	3700
12/28/2022	34000
12/30/2022	6000
12/30/2022	6000

## EXHIBIT 1

Exhibit P-43, Page 93

Date	# of Lbs Made
1/2/2023	20000
1/3/2023	14000
1/3/2023	10000
1/4/2023	20000
1/5/2023	6000
1/6/2023	4000
1/6/2023	14000
1/9/2023	26000
1/9/2023	2000
1/10/2023	18000
1/11/2023	0

# EXHIBIT 1

Exhibit P-43, Page 94

1/12/2023	6000
1/13/2023	2000
1/16/2023	16000
1/16/2023	2000
1/17/2023	0
1/18/2023	10000
1/18/2023	10000
1/19/2023	10000

# EXHIBIT 1

Exhibit P-43, Page 95

1/20/2023	0
1/23/2023	0
1/24/2023	14000
1/25/2023	0
1/26/2023	0
1/27/2023	0
1/30/2023	0
1/31/2023	0

## EXHIBIT 1

Exhibit P-43, Page 96

Date	Order #	Complete the Order?	Start Time	End Time	Customer	Material Grade
3/1/2023	SO-449	Yes	9:00 AM	2:00 PM	Osborn OH	DGR
3/9/2023	SO-298	No	8:00 AM	2:30 PM	Reptec	DGR
3/9/2023	SO-449	Yes	8:00 AM	4:00 PM	Osborn OH	DGR
3/10/2023	SO-449	Yes	8:00 AM	11:30 AM	Osborn OH	DGR
3/10/2023	SO-290-B	Yes	11:30 AM	4:00 PM	Bright Abr	OGR
3/13/2023	SO-290-B	Yes	8:00 AM	10:30 AM	Bright Abr	OGR
3/13/2023	SO-377-A	No	10:30 AM	3:30 PM	Bright Abr	OGR
3/14/2023	Maint/day					
3/15/2023	SO-377-A	No	1:30 PM	2:00 PM	Bright Abr	OGR
3/15/2023	SO-298	No	1:30 PM	4:00 PM	Reptec	DGR
3/20/2023	SO-377-A	No	12:00 PM	1:00 PM	Bright Abr	OGR
3/20/2023	SO-576	Yes	1:00 PM	4:00 PM	Treatments Ltd	OGR
3/20/2023	SO-298	No	1:00 PM	4:00 PM	Reptec	DGR
3/21/2023	SO-298	Yes	8:00 AM	11:30 AM	Reptec	DGR
3/21/2023	SO-304	No	11:30 AM	4:00 PM	Reptec	OGR
3/22/2023	SO-304	Yes	9:00 AM	10:30 PM	Reptec	OGR
3/22/2023	ATMO	Yes	10:30 AM	11:15 AM	Stock	OGR
3/22/2023	SO-304	Yes	11:15 AM	12:30 PM	Reptec	DGR
3/23/2023	SO-304	Yes	9:00 AM	3:00 PM	Reptec	DGR
3/24/2023	SO-304	Yes	9:30 AM	11:00 AM	Reptec	DGR
3/24/2023	SO-316-A	No	11:00 AM	4:00 PM	PRIOR	DGR
3/27/2023	SO-316A	No	11:00 AM	3:45 PM	PRIOR	DGR
3/28/2023	SO-316-A	No	8:00 AM	4:00 PM	PRIOR	DGR
3/29/2023	SO-316-A	Yes	8:00 AM	10:00 AM	PRIOR	DGR
3/29/2023	SO-316-B	No	8:00 AM	4:00 PM	PRIOR	OGR
3/30/2023	SO-316-B	No	9:30 AM	4:00 PM	PRIOR	OGR
3/30/2023	SO-316-B	No	9:30 AM	4:00 PM	PRIOR	OGR
3/31/2023	SO-316	No	8:45 AM	4:00 PM	PRIOR	OGR













Bag Size (in lbs)	# of Bags Made	# of Lbs Made	# of Bags Ripped	Pallet Type	# Pallets Used	Pallets Broken trashed	Slip Sheet type
2000	7	14000		40x48	7		Large
100	60	6000		40x48	3		Large
2000	9	18000		40x48	9		Large
2000	5	10000		40x48	5		Large
2000	17	34000		40x48	17		Large
2000	3	6000		40x48	3		Large
2000	10	20000		40x48	10		Large
		0					
2000	3	6000		40x48	3		Large
100	35	3500		40x48	2		Large
2000	3	6000		40x48	3		Large
2000	2	4000		40x48	2		Large
100	135	13500		40x48	7		Large
100	130	13000		40x48	6		Large
100	180	18000		40x48	9		Large
100	20	2000		40x48	1		Large
2000	1	2000		40x48	1		Large
100	48	4800		40x48	3		Large
100	152	15200		40x48	7		Large
100	20	2000		40x48	1		Large
100	171	17100		HT Large	5		Large
100	114	11400		HT Large	5		Large
100	259	25900		HT Large	13		Large
100	24	2400		HT Large	1		Large
100	260	26000		HT Large	13		Large
100	100	10000		HT Large	5		Large
100	127	12700		HT Large	6		Large
100	293	29300		HT Large	15		Large
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Exhibit P-43, Page 107

Appellate Case: 25-1349 Page: 2250 Date Filed: 04/07/2025 Entry ID: 5503844





Slip Sheets Used	Major Downtime Events
7	Finish elevator broke
3	Finish elevator completed,worked on packer could not get it going ran bulk bags also
9	
5	Issues with burner valve still sticking
17	3 more to finish
3	
10	Early shutdown to attend to green stack issues,shut down for pulveriser breaking
3	Finish elevator broke,started at 1:30 pm
2	
3	Worked on burner til noon finished up filling partial bulk bags to switch to double ground . packer working but a lil slower and did not kick off a few times
2	Add by Russ
5	
6	
9	
1	
1	Switched to DGR. Product was running slow. Later discovered that the 4th floor shaker was clogged.
3	Shaker drain pipe was clogged and backed up the system. Spent the rest of the afternoon clearing.
7	Slow running. Had to unclog the Finished product tube because the vacuum was weak at times. Also adjusted the shaker.
1	Donaldson filer change,instaled bolts on vibrator
5	
5	The shaker seemed to function a little better.
13	
1	Start up
13	
5	Charged tube mill got lil mac going helping to produce better
6	
15	Ran pretty good today





This image shows a full page of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.




## NOTES

NEED 20 MORE BAGS TO COMPLETE THE ORDER!!!!

Need 24 more bags to complete

Getting more confident at feeding product at closer intervals. Need to keep material hot. Finished product











This image shows a single sheet of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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Office (239) 829-5457

Per the Secretary's 30NOV2023 email request:

- Search for all teams chats with the words Baumann or Rob from June 1, 2022 through April 30, 2023-**please make this additional search.**

ATMO - Operations | You, Don, Gwen, +1

Robert **Baumann** 4/13 12:09 PM

We ran the cream last October or November for the Vana order...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/12 10:08 AM

John Spears We have arrived. Call me asap...

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ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 4/11 6:02 PM  
Green monster is what I was planning trying to eliminate some dusting...

ATMO - Operations | You, Don, Gwen, +4

John Spears 4/11 3:34 PM  
Robert **Baumann** Julie Ann Cureg here are your weights for so-323 a & b. John Spears when we wrap these I have a slip sheet to keep a & b separate Good deal! Thank you.

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 4/11 3:33 PM  
[Captured photo] Julie Ann Cureg here are your weights for so-323 a & b. John Spears when we wrap these I have a slip sheet to keep a & b separate...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/11 11:45 AM  
Alex Snodgrass can we get the labels for the maverick order please...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 4/11 11:26 AM  
[Captured photo] Julie Ann Cureg...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 4/11 10:26 AM  
Can you guys come to packer...

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Mill Group Chat | You, Brian, Don, +8



John Spears 4/10 1:19 PM

Robert **Baumann** don't feed. We're working on the impeller bearing.



Mill Group Chat | You, Brian, Don, +8



John Spears 4/10 10:50 AM

Robert **Baumann** Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning Thank you.



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/10 10:49 AM

[Captured photo] Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/10 10:34 AM

Ryan Closser Rob I found a valve closed coming right off of the air dryer should be good to go now Thank you VERY IMPORTANT if we shut a valve off that normally doesn't get closed PLEASE let everyone know...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/10 10:22 AM

Jeremy Talbert Do you guys miss me just know i would rather be there than with yall than having to going to dr What's up with this packer did it start messing up late Friday it's over filling not shutting off...

Mill Group Chat | You, Brian, Don, +8

John Spears 4/10 8:43 AM

Robert **Baumann** Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow Sounds good

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 4/10 8:41 AM

John Spears Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy... Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow...

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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/9 10:11 AM

Alex Snodgrass John Spears Robert **Baumann** Good Morning Gentlemen. SO-323, according to the Daily Production spreadsheet is complete. Alex Snodgrass can you confirm 800 bags, 40 pallets and 40 slipsheets? The spreadsheet is showing 800 bags, 33 pallets, and 36 slipsheets. [image]



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/7 2:56 PM

Good point of reference to really watch while crushing...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/7 1:21 PM

Jeremy Talbert please come to bagger...


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 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 4/7 11:03 AM

Got the thumbs up now going to try to fire back up and get everything unclogged...

 ATMO - Maintenance Group | You, Don, Joe, +3


 Robert **Baumann** 4/7 10:40 AM

John Spears Jeremy Talbert did the power flicker in the mill? Have you looked outside...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 4/7 10:25 AM


[Captured photo] Someone hit some lines down the street we are shut down for a awhile...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 4/7 10:09 AM


Power surge everything kicked out DANG it we are trying to reset everything...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/6 4:03 PM

Thank you Alex Snodgrass did we get label paper yet...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/6 3:13 PM

[Captured photo] No 100 pound option...

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Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 4/6 1:11 PM

Robert **Baumann** Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments Why is it that when I take initiative there's always this and that, when no one else has been on top of it but "ME".. but it's whatev..



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 4/6 1:08 PM


Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments...


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 Mill Group Chat | You, Brian, Don, +8


 JS John Spears 4/6 1:07 PM


Ronnell Fondren thank you but you need to communicate with Robert **Baumann** before you move to another area.

 Mill Group Chat | You, Brian, Don, +8


 RF Ronnell Fondren 4/6 1:05 PM


Robert **Baumann** Yep I am planning on Jim crushing this AF Gotcha, well I already started it when everyone took break

 Mill Group Chat | You, Brian, Don, +8

 RB Robert **Baumann** 4/6 1:04 PM


Yep I am planning on Jim crushing this AF...

 Mill Group Chat | You, Brian, Don, +8

 RF Ronnell Fondren 4/6 1:00 PM

Robert **Baumann** someone needs to check and make sure the primary tank isn't low, and if it is then, rock will need to be sent up. Please n thank u

 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 4/6 12:32 PM

Robert **Baumann** Spreadsheet corrected

 ATMO - Operations | You, Don, Gwen, +4

 RB Robert **Baumann** 4/6 12:30 PM

The A part is working on B so do I input no until both parts are done or each one...

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
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 Robert **Baumann** 4/6 12:27 PM  
[Media]

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/6 12:27 PM  
[Media]


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 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 4/5 6:41 PM


Robert **Baumann** Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28 th just half a day that Thursday Ok. Thanks.

 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 4/5 6:40 PM


Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28 th just half a day that Thursday...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/5 4:45 PM


We weighed the double stacks...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/5 4:44 PM


Jordan Tidaback 10 pallets each? These were 5-highs, no? Double stacked to fit in containers...

 ATMO - Operations | You, Don, Gwen, +4

 Julie Ann Cureg 4/5 4:39 PM

Thankyou Robert **Baumann**

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 4/5 4:39 PM

[Captured photo] SO-316 a- b-c-d-e grouped weighed ready finally Julie Ann Cureg...

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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/5 4:09 PM

Robert **Baumann** Alex Snodgrass John Spears...



ATMO - Operations You, Don, Gwen, +4



Robert **Baumann** 4/4 2:40 PM

Can we arrange to ship this 316 the same way and I can get you corrected weights for 400 each load or do we need to restack some and re weigh...




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 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 4/4 2:31 PM


Ok thanks that's way more easy to accomplish but it will be 20 pallets double stacked for the 400.



 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 4/4 2:17 PM


Can we get orders like this split up a lil better part a was over 368 and c and d were vague I have them in groups of 360 bags as per what it stated but A was 568 idk maybe I just am not getting the split parts...

 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 3/31 10:09 AM


Robert **Baumann**   Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft Put some yellow caution tape up around the Conduit until it can be repaired. So no one steps on it or around it. Thanks guys Ryan Closser Jeremy Talbert

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/31 10:03 AM

[Captured photo] [Captured photo] Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft...

 Mill Group Chat | You, Brian, Don, +8

 Jessie Molesi 3/31 9:46 AM

Robert **Baumann** Can you come to the main office break room?

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/31 9:41 AM

[Captured photo] Alex Snodgrass here is the weights for the b order ready to go...

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/31 9:28 AM

What is it we have nothing picked or ready...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/30 1:54 PM

[Captured photo] Probably not the best fix but lil Mac is functioning now and must have been completely full thankfully the wind is cooperating and trying to get it cleared out but now it's pulling the dust from the shaker now. Thank you Jim Hoover and a .60 cent bolt...

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ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/30 1:53 PM

Robert **Baumann** John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again Darn it. Is the shaker usable today and tomorrow? Replace screen on Saturday?

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert **Baumann** 3/30 1:48 PM

John Spears We have a middle screen in the oil room. We need a replacement top screen for sure in the near future. John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/30 1:04 PM

Yes pipes are clear no exhaust pulling from lil Mac...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/30 12:51 PM

[Captured photo] [Captured photo] Fixing to shut down and check the screens. System is backing up...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:46 AM

Robert **Baumann**, we need you to make sure the mill associates do what is needed. Be on time, do the daily inspections, perform the tasks given... and that means ALL of the tasks... bathroom cleaning, trash, sweeping, cleanup, etc.....

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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/30 10:32 AM

We were told yesterday that we weren't doing maintenance yesterday and if we get the palletizer fixed and all machines working correctly we could probably reach daily production goals...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**

...Robert **Baumann** / John Spears need you two to come up with a plan to have two people, Jim and someone else, since Jim knows how to start the mill, possibly Alex...Jordan Tidaback John Spears Alex Snodgrass Robert **Baumann**



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/29 6:09 PM

Jeremy Talbert Rob before you start anything in am can you do a smell check for gas just to double check i didnt snell anything why i left For sure I appreciate you getting that fixed...

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/29 6:03 PM  
Robert **Baumann** thank you very much.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/29 6:02 PM  
Happy birthday 🎂. Reminder guys we are charging the tube Mill and sealing up the elevator first thing in the morning. Thank you guys for all the hard work even you Patrick Lewis Jim Hoover 😊

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/29 4:59 PM  
Robert **Baumann** Ronnell Fondren Jim Hoover Patrick Lewis RJ Williams Jeremy Talbert Alex Snodgrass Jessie Molesi Jessie and Alex were really nice and got me a cake for my birthday so I got some ice cream to go with it. Ice cream and cake in the break room.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/29 10:26 AM  
Ronnell Fondren It would be best for you to tag your direct supervisor Robert **Baumann**, or the maintenance person Jeremy Talbert, or even John Spears regarding issues like this.

Mill Group Chat | You, Brian, Don, +8


RB Robert **Baumann** 3/29 9:35 AM  
[Media] [Media]

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 Robert **Baumann** 3/29 9:34 AM

John Spears can we see about getting a new bearing for the scroll on the bottom of the green monster this one is almost to the point of not functioning and tearing up other things than the bearing...

 ATMO - Maintenance Group | You, Don, Joe, +3

 Jessie Molesi 3/27 9:56 AM

Robert **Baumann** Thank you for catching that.

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 Robert **Baumann** 3/27 9:52 AM

Ok I locked the breaker out for the screen shaker's we got to remember to lock things out when we are working on them...


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 Robert **Baumann** 3/27 9:20 AM

John Spears Jeremy Talbert Jim and I worked on the 4th floor vibrator. You'll need to help him put the doors back on. We left them off so the patch compound could dry overnight. Patch compound did not set up. John Spears...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 5:31 PM

No we didn't fix it was going to ask John's opinion on how to deal with the issue...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 5:27 PM

Well air is just pouring past the valves straight out the stack...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/24 5:20 PM


[Captured photo] Isolated a major air problem on bottom left air solenoids on lil Mac...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/24 5:19 PM

[Captured photo] [Captured photo] So the double ground screens are beyond patching got one set left and prepared for installation first thing Monday...

 Mill Group Chat | You, Brian, Don, +8

 Ronnell Fondren 3/24 2:51 PM

Robert **Baumann** can you unlock gat to dump load of rock



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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/24 2:45 PM

Lmcheck...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/24 2:44 PM

ugh, he changed his mind... do we have this on-hand? [image] just one OGR and one DGC. Robert **Baumann**  
Alex Snodgrass



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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 3/24 2:41 PM  
Yes we have on hand...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/24 2:38 PM  
Alex Snodgrass Robert **Baumann** Please confirm we have this on-hand: [image] John Spears

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/24 12:25 PM  
[Captured photo] [Captured photo] SO-576 2 bulk bags Julie Ann Cureg...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 3/23 6:48 PM  
Thank you for jumping in and helping today I appreciate it and value your opinion...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/23 5:38 PM  
Robert **Baumann** Did we produce today? Alex Snodgrass

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 3/23 2:52 PM  
John Spears the system did the same thing as yesterday all going back to return trying to get it figured out...

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Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 3/23 1:20 PM

Robert **Baumann** We are hand stacking so we are utilizing all mill associate's we could actually use your muscles  
You're standing outside, the primary tank isn't full..



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/23 1:18 PM

Ronnell Fondren Robert **Baumann** can we get someone to crush the Rock? We are hand stacking so we are  
utilizing all mill associate's we could actually use your muscles

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Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 3/23 1:06 PM

Robert **Baumann** can we get someone to crush the Rock?



ATMO - Maintenance Group | You, Don, Joe, +3



John Spears 3/23 1:02 PM

Looking for one now. Robert **Baumann**



ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 3/23 1:01 PM

John Spears Jeremy and I have searched everywhere and not one in the shop...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/23 10:37 AM

Both "spares" on the packer system are set up different and have different specs...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/23 10:36 AM

[Media] [Media]



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/23 10:16 AM

Even in-between dumping we should keep it shut for liability purposes I will help keep an eye on it's my responsibility to make sure it's locked and shut at start up and shut down...

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Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/23 10:14 AM

Robert **Baumann** Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren It's open because we was going to dump another load, if you got around to crushing the rock. But I'll let Max know..mmk

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/23 10:10 AM

[Captured photo] Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/23 10:03 AM

Robert **Baumann** Thanks and yep, everywhere we hear air leaking is money being wasted. Just like a dripping water faucet. We need to address the leaks. If I remember correctly, Jim was tasked to create a list of everywhere he found an air leak. Did this ever get completed?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/23 9:50 AM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] Got these leaks slowed down and gained 4 psi but the whole top of the regulator on fourth floor was blown out we desperately need one it's pouring out air way worse than it was Pat and I got the top back on but it's leaking really bad...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 3/23 8:43 AM

I'm trying to figure out the air pressure issues now RJ Williams Jim Hoover replace the g-40 bearing and we will repair the screen tomorrow evening so it can dry all weekend and look into finished product filters. Patrick Lewis please lubricate first thing while system is heating up...

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 ATMO - Operations | You, Don, Gwen, +4

 John Spears 3/22 9:34 AM


Robert **Baumann** John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please Will do.

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/22 9:33 AM


John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please...

 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 3/21 6:39 PM

...Robert **Baumann** I modified the Daily Production and removed 2 from SO-377A. Please relabel two of the bulk bags to SO-576....

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 3/21 6:25 PM

I'll make sure to get the other wrapped up...

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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/21 6:23 PM

Russell Tidaback Customer is asking, is why I am verifying. They want to send a truck tomorrow. Yes 21 pallets 7 still need to be wrapped...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/21 6:08 PM

Robert **Baumann** We need 265 more bags Robert **Baumann** Help me get the numbers... SO-298 - 420 bags of OGR 9MAR: 60 15MAR: 35 20MAR: 135 21MAR: 130 Total: 360 do you have other bags produced earlier for SO-298 that total up to the 420 needed?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/21 4:31 PM

Coming out of both and the vacuum system upstairs is making an odd noise John Spears...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/21 3:45 PM

Robert **Baumann** I am not understanding your comment in the Mill group chat about "running half throttle now".



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/21 3:38 PM

Robert **Baumann** Problem is we don't really have the people to do that we are running half throttle now How many people do you think are needed? Robert **Baumann**

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Robert **Baumann** 3/21 3:32 PM

Russell Tidaback And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Problem is we don't really have the people to do that we are running half throttle now...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/21 12:36 PM

Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf Robert **Baumann** Make sure the guys are using the proper resources to not injure themselves. Use the forklift to lower the pallet stack to the mid-height. [image] Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/21 12:07 PM

Russell Tidaback The DGR part of SO-304 is also 5-highs. 🇺🇸 Totally looked at it wrong our bad.




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 Robert **Baumann** 3/21 11:41 AM


John Spears Russell Tidaback Jim Hoover Patrick Lewis Jordan Tidaback RJ . Ok so msha seen the 10 stacking and said absolutely no so we will move to next order continuing 5 high unless Russell Tidaback has a better option they stated without a platform nothing over waist high...

 Mill Group Chat | You, Brian, Don, +8


 Patrick Lewis 3/21 8:38 AM


Robert **Baumann** Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp Yes sir

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/21 8:34 AM


Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/20 10:42 AM


[Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-290B Julie Ann Cureg 20 bags OGR...

 ATMO - Mill Mgmt | You, Don, John, +2

 John Spears 3/20 9:39 AM

Robert **Baumann** got a CFI Truck wanting to pick up SO-290B.

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 3/20 9:29 AM

Russell Tidaback Ok, let me know We need 265 more bags...



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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/20 9:02 AM

Russell Tidaback Robert **Baumann** How close are we on SO-298? ...288 more bags to go? [image] [image] I'm looking at it now we've ran odds n ends bags working on the packer so figuring out exactly how many more we need



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/20 9:00 AM

Robert **Baumann** How close are we on SO-298? ...288 more bags to go? [image] [image]


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 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/17 9:12 AM  
[Captured photo] I've reset and powered off everything multiple times John Spears...


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/17 8:43 AM  
John Spears been trying to get the burner to light for awhile now keeps throwing a low fire alarm...


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/16 12:30 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] The plate than ran across the front of the hammer mill caught and tore up so the hammer mill is down...


 Mill Group Chat | You, Brian, Don, +8

 John Spears 3/16 10:25 AM  
Robert **Baumann** John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off Ok. I'll look at it.

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/16 10:23 AM  
John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off...

 Mill Group Chat | You, Brian, Don, +8

 John Spears 3/16 9:33 AM  
Robert **Baumann** Packer still not operational so going back to producing bulk bags Mr. Ulmer is coming back this morning.

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/16 9:30 AM

Packer still not operational so going back to producing bulk bags...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/16 6:24 AM

Robert **Baumann**...Robert **Baumann** We don't need to shut the building down. Tape off the area so no one can step on it or near it....


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 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/15 5:35 PM


John Spears I wonder how long it's been like that? I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it...



 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/15 5:29 PM


Robert **Baumann**   Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off I wonder how long it's been like that?

 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/15 5:28 PM

Robert **Baumann**   Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off We'll have to find out where they're coming from.

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/15 5:07 PM


[Media]

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/15 5:07 PM

[Captured photo] [Captured photo] Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/15 4:03 PM

[Captured photo] [Captured photo] [Captured photo] SO-527 Julie Ann Cureg...

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/15 12:32 PM

[Media]



Mill Group Chat | You, Brian, Don, +8



Jordan Tidaback 3/15 12:31 PM

Robert **Baumann** Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here Robert **Baumann** - I'm sure you've already taken care of it, but please just remember to loto the classifier elevator.

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/15 11:50 AM

Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here...

Mill Group Chat | You, Brian, Don, +8

John Spears 3/15 10:55 AM

Robert **Baumann** John Spears snapped this collar Just like the old one.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/15 10:51 AM

[Captured photo] [Captured photo] [Captured photo] John Spears snapped this collar...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/15 9:32 AM

Upon starting up the key has worked out of the driveshaft of the feed elevator...

ATMO - Operations | You, Don, Gwen, +4

John Spears 3/14 2:17 PM

Julie Ann Cureg Hi, Robert **Baumann** John Spears paperwork for SO-572 was uploaded to its folder. I'll get the paperwork printed.

ATMO - Operations | You, Don, Gwen, +4

Julie Ann Cureg 3/14 2:13 PM

...Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert **Baumann**) have been added to the production schedule....Hi, Robert **Baumann** John Spears paperwork for SO-572 was uploaded to its folder.

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ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 3/14 2:09 PM

Russell Tidaback Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert **Baumann**) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send... Regular or heat treated pallets ?



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 3/14 1:56 PM

Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert **Baumann**) have been added to the production schedule. These are already produced and will be pulled from the inventory....


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 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/14 11:53 AM


Russell Tidaback Robert **Baumann** John Spears Please confirm these are available and not assigned to any SO-###. [image] We have 5 dgr and 0 ogr that are not assigned to orders we pulled the 10 bags for a order awhile back

 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 3/14 11:39 AM


Robert **Baumann** John Spears Please confirm these are available and not assigned to any SO-###. [image]

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/14 9:11 AM


Jordan Tidaback Robert **Baumann** is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated. Yes you can let them know it's fixed

 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/14 9:06 AM


Jordan Tidaback Robert **Baumann** is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated. Yes. The forklift is ready for use.

 Mill Group Chat | You, Brian, Don, +8

 Jordan Tidaback 3/14 9:04 AM

Robert **Baumann** is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated.

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/14 9:00 AM

The Toyota forklift is repaired and is good to use...



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ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/14 8:59 AM

Ok we will try it I went up and got excess material from the spots it was built up on and am waiting for the guys to help reassemble the rest of the pulverizer guess to start up...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/14 8:56 AM

Good Morning Gentlemen. Robert **Baumann** Lets not start the exhaust blower motor outside by the crusher ramp today and see if today is a better run.


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 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/13 2:41 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo]  
SO488 Julie Ann Cureg...


 Mill Group Chat | You, Brian, Don, +8


 John Spears 3/13 2:30 PM  
Robert **Baumann** John Spears something broke inside the pulverizer Ok. We'll dig into it.


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 3/13 2:29 PM  
[Media]


 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/13 2:29 PM  
John Spears something broke inside the pulverizer...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/13 2:28 PM  
[Media]

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/13 2:25 PM  
Russell Tidaback Jeff just hooked the motor back up and ever since we have been worrying about the excess dust. It might be that motor is pushing too much air volume through the system. It didn't help just going to shut down a lil early to go up and sweep the product that is built up causing the problem...

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/13 1:55 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-449 Julie Ann Cureg...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/13 1:14 PM

The blower motor outside, by the roll up door by the ramp. I'm thinking the is giving us the excess dust. Ever since Jeff repaired that motor we've been dealing with excess dust. Robert **Baumann** turn that blower motor off and let's see if this solves any excess dust issue.

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 ATMO - Operations | You, Don, Gwen, +4

 John Spears 3/13 1:03 PM


Julie Ann Cureg Hi John Spears Robert **Baumann** please run Cilas Report for SO-449 also. Thanks! Will do. Thank you. Will we hard copy the Cilas report for SO-449 or by email?

 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 3/13 12:48 PM


Julie Ann Cureg SO-290-B is complete now also...

 ATMO - Operations | You, Don, Gwen, +4

 Julie Ann Cureg 3/13 12:47 PM

Hi John Spears Robert **Baumann** please run Cilas Report for SO-449 also. Thanks!

 ATMO - Operations | You, Don, Gwen, +4


 John Spears 3/13 12:37 PM


Robert **Baumann** John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here Ok

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/13 12:37 PM

John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here...

 Mill Group Chat | You, Brian, Don, +8

 John Spears 3/10 2:36 PM

Robert **Baumann** Also John Spears did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags I'll get that done. Thanks

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 ATMO - Operations | You, Don, Gwen, +4

 John Spears 3/10 12:15 PM

Russell Tidaback Robert **Baumann** Is the Bagger working to run the 100#s? Not yet. The sequence of operations through the PLC of just a solenoid is not firing the impeller.

 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 3/10 12:13 PM

Robert **Baumann** Is the Bagger working to run the 100#s?

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 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/10 12:12 PM  
Yep just seen that thank you...


 ATMO - Operations | You, Don, Gwen, +4


 Jordan Tidaback 3/10 12:11 PM  
Robert **Baumann** I think we still need to do SO-290-B (Bright Abrasives, 20 bulk bags, OGR). Then SO-377 A & B would be next for bulk bags.


 ATMO - Operations | You, Don, Gwen, +4


 Robert **Baumann** 3/10 12:03 PM  
Russell Tidaback I'm looking at the calendar next bulk bag order would be so-377 ????


 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 3/10 12:02 PM  
SO -449 is complete Julie Ann Cureg 21 bulk bags...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/10 11:41 AM  
Ronnell Fondren where you at...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 3/10 10:22 AM  
Julie Ann Cureg Good morning John Spears. Can I have the scanned signed BOL for SO-447, please? Thank you! Also John Spears did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags...

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Mill Group Chat | You, Brian, Don, +8



John Spears 3/10 8:14 AM

Good morning Mill Crew. We'll continue with DGR bulk bags. Robert **Baumann** task out the grease guns please. Dryer bed, outside bearings, scrolls. Etc.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:43 PM

Yes...

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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/9 5:43 PM

ah... yes. Robert **Baumann** can you get the paperwork to John so he can get it scanned to Julie Ann Cureg



Mill Group Chat | You, Brian, Don, +8



Julie Ann Cureg 3/9 5:41 PM

Robert **Baumann** Sorry I didn't know Are you still at the mill? If so, I need the BOL signed by the driver so I can email it to the customer.



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/9 5:41 PM

Nope, you are good. Robert **Baumann** The shipper specific BOLs are a pain to deal with. Julie Ann Cureg will make sure the right one is used moving forward.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:39 PM

Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Sorry I didn't know...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:13 PM

[Captured photo] The other one just like this but corrected shipping addresses...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:09 PM

Jordan Tidaback Did we use the BOL they needed? I didn't think Rob had access to that folder? Driver got all the correct info on his copy he said he needed...





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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/9 5:43 PM

ah... yes, Robert **Baumann** can you get the paperwork to John so he can get it scanned to Julie Ann Cureg



Mill Group Chat | You, Brian, Don, +8



Julie Ann Cureg 3/9 5:41 PM

Robert **Baumann** Sorry I didn't know Are you still at the mill? If so, I need the BOL signed by the driver so I can email it to the customer.



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/9 5:41 PM

Nope, you are good, Robert **Baumann** The shipper specific BOLs are a pain to deal with. Julie Ann Cureg will make sure the right one is used moving forward.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:39 PM

Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Sorry I didn't know...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:13 PM

[Captured photo] The other one just like this but corrected shipping addresses...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:09 PM

Jordan Tidaback Did we use the BOL they needed? I didn't think Rob had access to that folder? Driver got all the correct info on his copy he said he needed...



Mill Group Chat | You, Brian, Don, +8



John Spears 3/9 5:01 PM

Robert **Baumann** Got it handled John Spears Good deal. Thanks. I'll go back to Mr. Ulmer.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 5:00 PM

[Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg SO-488 partial for air shipping 2 bulk bags...

**EXHIBIT 3**

Exhibit P-43, Page 164



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/9 4:57 PM  
Got it handled John Spears...

Mill Group Chat | You, Brian, Don, +8

John Spears 3/9 4:55 PM  
Robert **Baumann** I'm headed back to the office to print the new BOL. It got past 3:30 and I didn't think they were coming and I kinda forgot. Hold on.

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/9 4:51 PM  
Robert **Baumann**, Here's the link to the folder...

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/9 4:50 PM  
Robert **Baumann** Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg NNR GLOBAL LOGISTICS USA INC.1701 NICHOLAS BLVDELK GROVE VILLAGE, IL 60007US

Mill Group Chat | You, Brian, Don, +8

Ronnell Fondren 3/9 4:45 PM  
20230309\_153558 1.jpg John Spears Robert **Baumann** We need to replace this because it will eventually eat that belt up

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/9 4:44 PM  
Julie Ann Cureg Hi John Spears Robert **Baumann** NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment. Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/9 3:55 PM  
Hi John Spears Robert **Baumann** NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment.

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 3/9 10:35 AM  
[Media] [Media] [Media]

**EXHIBIT 3**

Exhibit P-43, Page 165

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ATMO - Operations | You, Don, Gwen, +4



Jordan Tidaback 3/9 10:32 AM

Robert **Baumann**...Robert **Baumann** could you please take a picture of the 2 bags for air shipment for SO-488?...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 9:50 AM

John Spears Did we get the bottom door installed? We wanted to leave it open for trial run had it caution tape off everything looks and sounds ok we are "rolling that beautiful bean footage" as John Spears would say...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 3/9 9:44 AM

Russell Tidaback okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done. Fixing to try the elevator now everything looks good...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/9 9:37 AM

Someone, other than John, please examine the Classifier elevator bearings. Make sure these are greased, and relay what you see and do up there to John, Jim Hoover Patrick Lewis Ronnell Fondren Robert **Baumann**



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 3/8 5:57 PM

Should be good thanks see you in the morning...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/8 5:51 PM

Robert **Baumann** Thanks I thought I had it in a chat with you and John sorry No worries. Just making sure everything was okay with Mom. :-) If you need anything let us know.



Mill Group Chat | You, Brian, Don, +8



John Spears 3/8 5:19 PM

Russell Tidaback Robert **Baumann** SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request. Will do.

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 166

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ATMO - Mill Mgmt You, Don, John, +2



John Spears 3/8 5:18 PM

Robert **Baumann** Had to get a few stitches and sore but ok having to board up a window now 😞 Glad she's doing good.



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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 3/8 5:17 PM

Thanks I thought I had it in a chat with you and John sorry...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 3/8 5:16 PM

Had to get a few stitches and sore but ok having to board up a window now 🤔 ...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/8 5:13 PM

Robert **Baumann** Your mom okay?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/8 4:29 PM

Robert **Baumann** SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/8 10:48 AM

Ronnell Fondren Russell Tidaback John Spears Jordan Tidaback Robert **Baumann** We need another 100ft of air hose please and thank you We have other air hoses I will find you one

Mill Group Chat | You, Brian, Don, +8

Ronnell Fondren 3/8 10:45 AM

Russell Tidaback John Spears Jordan Tidaback Robert **Baumann** We need another 100ft of air hose please and thank you

Mill Group Chat | You, Brian, Don, +8

John Spears 3/8 9:26 AM

...John Spears Robert **Baumann** Let's not forget about the packer. It needs to be cleaned this morning. O'Jim will be back to assist in troubleshooting around 10am. I'd like Jim Hoover to assist O'Jim. So let try and get the bagger cleaned before 10am as we talked yesterday. The microswitch s.....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/8 9:24 AM

...John Spears Robert **Baumann** Let's not forget about the packer. It needs to be cleaned this morning....

**EXHIBIT 3**

Exhibit P-43, Page 168



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Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 3/6 2:26 PM

Russell Tidaback John Spears Robert **Baumann** Patrick Lewis RJ Williams Jim Hoover can we get a snake to clean the vacuum/air system please and thank you



Mill Group Chat | You, Brian, Don, +8



John Spears 3/6 11:52 AM

Jordan Tidaback John Spears Robert **Baumann** Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow. Thank you.



Mill Group Chat | You, Brian, Don, +8



Jordan Tidaback 3/6 11:52 AM

John Spears Robert **Baumann** Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow.



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/6 10:38 AM

Robert **Baumann** please come to the green monster with the LOTO key.



Mill Group Chat | You, Brian, Don, +8



Ronnell Fondren 3/6 10:19 AM

Robert **Baumann** John Spears Russell Tidaback Jordan Tidaback I am on the ground to provide safety to Pat while he is up on the Cat Walk for the Elevator



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/6 9:01 AM

...Robert **Baumann** please make sure the power is LOTO for the elevator scroll and green monster scroll for Jim....



ATMO - Mill Mgmt | You, Don, John, +2



Jordan Tidaback 3/4 1:28 PM

Robert **Baumann** John Spears Jordan Tidaback can I get another bol printed for SO-447 for the driver please  
Oops my apologies, I only printed 1!

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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 3/3 1:01 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg SO-447 21bulk bags dgr...

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ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 3/3 12:39 PM

Robert **Baumann** John Spears Jordan Tidaback can I get another bol printed for SO-447 for the driver please  
Sure thing.

ATMO - Mill Mgmt | You, Don, John, +2

RE Robert **Baumann** 3/3 12:38 PM

John Spears Jordan Tidaback can I get another bol printed for SO-447 for the driver please...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/3 12:37 PM

Ronnell Fondren you noted on the forklift exam for the Toyota that the mast needed lubricant. Did you inform  
Robert **Baumann** that it needed to be lubed? Then we can amend the exam after the lubricant is applied.  
Thanks

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/3 12:06 PM

Patrick Lewis Robert **Baumann** John Spears this looks to be the issue Where is this?

ATMO - Mill Mgmt | You, Don, John, +2

RE Robert **Baumann** 3/3 10:37 AM

Jordan Tidaback is there paperwork to get Ron forklift operator okayed...

Mill Group Chat | You, Brian, Don, +8

RE Robert **Baumann** 3/3 10:33 AM

[Captured photo] Can we get another one of these ordered and clear packing tape and a couple rolls of  
ductape for the mill plz...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 3/3 10:07 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d10-fa6e2b553d395da8f729bbf49a64cb4e/views/imgo] Robert  
**Baumann** John Spears this looks to be the issue

Mill Group Chat | You, Brian, Don, +8

RE Robert **Baumann** 3/3 8:40 AM

Work place exam training in the conference room at 8 am Jim Hoover Patrick Lewis RJ Williams Ronnell  
Fondren...

**EXHIBIT 3**

Exhibit P-43, Page 171



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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 3/3 8:08 AM

We shipped 15 bags of 50 pound AFC they requested 28 fifty pounders all we had was 15 in stock...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/2 10:27 PM

Robert **Baumann** Please confirm, Did we ship 28 bags of AFC or 15 bags of AFC last week?

Mill Group Chat | You, Brian, Don, +8

John Spears 3/2 5:17 PM

Ronnell Fondren get the Genie key from Robert **Baumann** and go get the come-along down. Please.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/2 2:54 PM

Julie Ann Cureg Robert **Baumann** John Spears just to confirm, will the 2 bags for air shipment be on pallet? Yes ma'am they are

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/2 2:38 PM

Robert **Baumann** John Spears just to confirm, will the 2 bags for air shipment be on pallet?

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 3/2 1:48 PM

Russell Tidaback we are all in the break room if you have time now...

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 3/2 11:50 AM

Robert **Baumann** SO-555 Julie Ann Cureg Hi Robert **Baumann** Do you have any other pic for SO-555 which proves that we shipped the exact number of orders? as per Collinite Corp., they only received 15 Bags out of 28 bags (750 lbs) But the BOL signed by the carrier, we shipped 1958 lbs.

Mill Group Chat | You, Brian, Don, +8

John Spears 3/1 12:37 PM

Robert **Baumann** We have 28 -40by48 pallets left John Spears Russell Tidaback Ok. Thanks.

**EXHIBIT 3**

Exhibit P-43, Page 172

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Mill Group Chat You, Brian, Don, +8

Robert **Baumann** 3/1 12:35 PM

We have 28 -40by48 pallets left John Spears Russell Tidaback...

Mill Group Chat You, Brian, Don, +8

Russell Tidaback (You) 2/28 10:55 AM

Robert **Baumann** can you get someone who has been up on the catwalk on the outside elevator and remove the guarding so it can be repaired? They will need a harness.



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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 2/23 3:43 PM

Please confirm we have [image] Robert **Baumann** John Spears



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 2/20 4:04 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-435 Julie Ann Cureg21 bags of dgr...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 2/18 12:05 AM

John Spears Robert **Baumann** I need for you two gentlemen over this weekend to think about what transpired with MSHA starting Monday. Make some notes initially on things you remember as next week I will need you to put the pieces together into a formal statement. What happened Monday should not have happened.



ATMO - Maintenance Group | You, Don, Joe, +3



John Spears 2/17 3:00 PM

Robert **Baumann** They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total John Spears cheapest around Good deal. I'll be there tomorrow.



ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/17 2:58 PM

[Captured photo] They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total John Spears cheapest around...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 2/14 5:07 PM

[Selected photo] [Selected photo] [Selected photo] SO-555 Julie Ann Cureg...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 2/14 2:12 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] 21 bags of ogr SO-290-A Julie Ann Cureg...



Russell Tidaback (You)



Robert **Baumann** 2/14 1:13 PM

Idk this guy is out for blood we are removing product from floor now...

**EXHIBIT 3**

Exhibit P-43, Page 174



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Russell Tidaback (You)



Robert **Baumann** 2/14 12:59 PM  
Electrical...



Russell Tidaback (You)



Robert **Baumann** 2/14 12:39 PM  
Msha inspector told me to lock the doors and no one was allowed in until he okayed it...



Russell Tidaback (You)



Robert **Baumann** 2/14 12:34 PM  
The driver showed up when we weren't allowed into the mill yet I asked the guys they spoke to him...



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 2/14 12:23 PM  
Robert **Baumann** can you print to the admin office printer off the computer in the mill?



ATMO - Operations | You, Don, Gwen, +4



John Spears 2/14 12:23 PM  
Robert **Baumann** We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags  
Sure thing, I'll get it printed when I get back to the office.



ATMO - Operations | You, Don, Gwen, +4



Julie Ann Cureg 2/14 12:14 PM  
Robert **Baumann** We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags  
It's in the folder.



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 2/14 12:13 PM  
Julie Ann Cureg Good morning Robert **Baumann** John Spears. We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags



ATMO - Operations | You, Don, Gwen, +4



Julie Ann Cureg 2/14 12:03 PM  
Good morning Robert **Baumann** John Spears. [image]

**EXHIBIT 3**


Exhibit P-43, Page 175

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 ATMO - Maintenance Group | You, Don, Joe, +3



Russell Tidaback (You) 2/13 11:43 AM


Robert **Baumann** for now, lets not turn the valve to idle. Just stop just short of idle in case there is carbon build up in the valve.

 ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/13 11:01 AM


It keeps backing off even when it is set now something has to be going out and it seems like it's getting worse John Spears it will run fine for only a minute or two now temp keeps backing off randomly...

 ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/13 10:45 AM

[Selected photo] [Selected photo] [Selected photo] Can't get the regulator to work on the burner system usually you tap on the regulator and it gets it going but now it won't work at all. Was working fine til now...

 ATMO - Maintenance Group | You, Don, Joe, +3



Robert **Baumann** 2/13 8:56 AM


Gage Wheeler John Spears as soon as you get here can we get the belt back on the lil Mac it threw one and we can check the other 2...

 ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 2/12 11:38 AM

Robert **Baumann** John Spears - For Monday 13FEB, to give Gage time to troubleshoot the packer... [image]

 ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 2/10 4:35 PM

SO-435 21bulk bags is completed and ready for shipping arrangements Julie Ann Cureg...

 ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 2/10 4:34 PM

Russell Tidaback SO-555 is added to the production schedule, Robert **Baumann** Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR).John Spears The 5lb bags need to be pulled from the small bag inventory and will... Order is wrapped and ready Julie Ann Cureg



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Mill Group Chat You, Brian, Don, +8



Robert Baumann 2/10 12:06 PM

[Selected photo] We will continue to run bulk bags while Gage Wheeler works on the bagger we are losing to much product trying to bag 100 pounders not very feasible...



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 2/10 10:21 AM  
Still having issues with bagger so we are currently running bulk bags...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 2/10 9:31 AM  
But we are having issues with the bagger...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 2/10 9:30 AM  
I got it figured out nevermind but...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 2/10 9:20 AM  
Gage Wheeler can you help us see if we can get the low bin light to work on the bagger...

ATMO - Operations | You, Don, Gwen, +4

John Spears 2/10 9:06 AM  
Robert **Baumann** Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears I'm on it.

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 2/10 8:58 AM  
Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/10 8:49 AM  
Good Morning. Robert **Baumann** Lets jump back on SO-298 today. [image]

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 2/9 6:17 PM  
SO-555 is added to the production schedule, Robert **Baumann** Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR)....

**EXHIBIT 3**

Exhibit P-43, Page 178

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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 2/9 12:38 PM  
Julie Ann Cureg SO-438 15 bulk bags is completed and ready...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 2/9 10:21 AM  
Russell Tidaback SO-554 is added to the production schedule, Robert **Baumann** Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork. Julie Ann Cureg this order is ready to be shipped out

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 2/9 5:54 AM  
Good Morning Robert **Baumann** - Once we finish SO-438 from yesterday, lets jump on SO-435

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 2/8 4:31 PM  
Julie Ann Cureg SO-290 & SO-411 is complete per the production schedule. Please process for shipment. John Spears Robert **Baumann**

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 2/8 4:26 PM  
SO-554 is added to the production schedule, Robert **Baumann** Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 2/8 3:52 PM  
Awesome thank you. You know I'm such a wizard on these computers 😊 ...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 2/8 3:47 PM  
On the daily production it's not letting me put yes in the order complete column Russell Tidaback Jordan Tidaback...




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 ATMO - Maintenance Group You, Don, Joe, +3

 **Robert Baumann** 2/7 10:08 AM  
Was also smoking out of the controller box...





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 ATMO - Maintenance Group | You, Don, Joe, +3


 Robert **Baumann** 2/7 10:06 AM  
So still can't run 100 sacks ran two bulk bags to switch to dgr and this is what happened when we tried bagging...


 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 2/6 1:52 PM  
Gage Wheeler electric company is here...


 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 2/6 1:42 PM  
[Selected photo] [Selected photo] [Selected photo] SO-520 SO-527 Julie Ann Cureg...


 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 2/6 8:58 AM  
Should we go ahead and produce the other 4 bulk bags for SO-290 to complete it to switch to dgr...


 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 2/6 8:53 AM  
Just 20 we need 400 more the 17 bags got counted into inventory...


 Mill Group Chat | You, Brian, Don, +8

 Russell Tidaback (You) 2/6 8:49 AM  
Robert **Baumann** John Spears Per the Schedule [image]

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 2/6 8:32 AM  
Robert **Baumann** John Spears Before sending this to the Mill Group chat, wanted to ask if the 37 bags produced on 26DEC are labeled and set aside from the inventory count or do we need to produce all 420 bags? [image]

 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 2/5 9:07 PM  
I want to make sure the flour elevator is running first thing. Before anything else is done. We'll get the burner fired up. While it is warming We'll get the packer area cleaned up. We'll be sure to get the fourth floor auger door closed up. Robert **Baumann**

**EXHIBIT 3**

Exhibit P-43, Page 181



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 2/3 2:40 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-540 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 2/3 10:44 AM  
Robert **Baumann** John Spears can I have the scanned signed BOL for SO-546? Thank you!

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 2/2 4:05 PM  
John Spears SO-546 Julie Ann Cureg...

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/31 4:07 PM  
Julie Ann Cureg John Spears is SO-546 ready to be shipped? Yes it is ready...

ATMO - Operations | You, Don, Gwen, +4

John Spears 1/30 12:44 PM  
We'll get the items pulled and wrapped today. Robert **Baumann** Thanks.

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/30 12:42 PM  
SO-546 is added to the production schedule, to be pulled from inventory. Please process the shipping paperwork as the customer needs this shipped ASAP. Julie Ann Cureg John Spears Its the 5 OGR & 38 DGR mentioned Friday. Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

John Spears 1/30 7:50 AM  
Robert **Baumann** Gage Wheeler be careful it's slick in places. Give yourself plenty of time.

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/27 4:13 PM  
Russell Tidaback John Spears Please confirm we have the OGR and DGR listed here in Inventory. I am sure the customer will be wanting these shipped out Monday... Yes we have these in stock...

**EXHIBIT 3**

Exhibit P-43, Page 182

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 1/27 8:59 AM

Jim Hoover Robert **Baumann** RJ Williams Gage Wheeler good morning everyone. Jim please continue in the tube mill. Rob or RJ will be there with you. Gage let's get the green packer worked over today. Rob or RJ can assist. I'll be out there as well. We're gonna have a good day.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 1/26 11:37 AM

Russell Tidaback Robert **Baumann** Please package and pull SO-540 from the inventory, tomorrow (Thursday 26JAN23). John Spears Julie Ann Cureg SO 540 is ready to be shipped Russell Tidaback Julie Ann Cureg

Mill Group Chat | You, Brian, Don, +8

JS John Spears 1/26 9:20 AM

Jim Hoover Patrick Lewis RJ Williams Robert **Baumann** Gage Wheeler Alright everyone, we all have our assignments so let's get going and have a productive day.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 1/26 9:19 AM

Jim Hoover Patrick Lewis RJ Williams Robert **Baumann** Gage Wheeler Alright everyone, we all have our assignments so let's get going and have a productive day.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/25 6:06 PM

Robert **Baumann** Please package and pull SO-540 from the inventory, tomorrow (Thursday 26JAN23). [image]  
John Spears Julie Ann Cureg

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/25 3:22 PM

John Spears Robert **Baumann** I thought for sure Kensley and I counted some AFR. Maybe we thought it was something else. I'll come look here in a minute. Thanks. John Spears Robert **Baumann** Did we get this sorted out? The customer is calling again.

ATMO - Operations | You, Don, Gwen, +4

JS John Spears 1/25 11:48 AM

Robert **Baumann** I thought for sure Kensley and I counted some AFR. Maybe we thought it was something else. I'll come look here in a minute. Thanks.

**EXHIBIT 3**

Exhibit P-43, Page 183

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ATMO - Operations You, Don, Gwen +4

Robert Baumann 1/25 11:46 AM

Russell Tidaback John Spears we have the 9 bags of AFC cream 50# but no rose AFC 50#



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Mill Group Chat | You, Brian, Don, +8

KB | Kensley Brewer 1/23 4:34 PM

Robert **Baumann** SQ289-A Julie Ann Cureg Russell Tidaback

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/23 4:31 PM

...John Spears Robert **Baumann** Kensley Brewer...

Quarry Operations | You, Gwen, John, +2

AW | Andrew Wasson 1/23 9:55 AM

Robert **Baumann** should I bring another load of rose

ATMO - Maintenance Group | You, Don, Joe, +3

RB | Robert **Baumann** 1/20 3:32 PM

Gage Wheeler me pat and rj went and cleaned out the filters per john and we are still blowing out alot of dust out the exhaust before we did so we were talking about why it could be happening. we need to check the... Yes usually it clears up pretty quickly in the mornings after I get the product off the filters. I'm...

ATMO - Operations | You, Don, Gwen, +4

RB | Robert **Baumann** 1/20 3:01 PM

Kensley Brewer Robert **Baumann** seen this on my way back from lunch is everything ok John Spears Russell Tidaback ?

ATMO - Operations | You, Don, Gwen, +4

RB | Robert **Baumann** 1/20 2:58 PM

Kensley Brewer Robert **Baumann** seen this on my way back from lunch is everything ok Thank you I'm shutting it back off I thought it would clear up

ATMO - Operations | You, Don, Gwen, +4

KB | Kensley Brewer 1/20 2:55 PM

Robert **Baumann** seen this on my way back from lunch is everything ok

ATMO - Operations | You, Don, Gwen, +4

Julie Ann Cureg 1/20 2:40 PM

...Understandable... remember WE control the pace of the shipments going out. Robert **Baumann** should be notifying you Kensley, when an order is completely done. Kensley, you should verify this and then notify Julie/Gwen that order SO-xxx is ready for pickup. We should never advise Julie Ann .....

**EXHIBIT 3**

Exhibit P-43, Page 185



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ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 1/20 2:25 PM

...remember WE control the pace of the shipments going out. Robert **Baumann** should be notifying you Kensley, when an order is completely done. Kensley, you should verify this and then notify Julie/Gwen that order SO-xxx is ready for pickup....



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/19 3:58 PM

[Selected photo] [Selected photo] This is the lil Mac filters after approximately 4 running hours they were rotated and brushed off before start up. The dusting out of this seems to be getting worse all the sudden...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/19 1:19 PM

[Selected photo] [Selected photo] Chain has came off sprocket again on pick belt and exhaust temp will not reach temp again...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/19 11:51 AM

Been rotating and getting lil Mac filters cleaned off before start ups yesterday was great with the rain and wind today and other days they are producing excess dusting after approximately 2 n half 3 hrs of run time when product builds up on filters wind is north east today and going towards town...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/18 3:40 PM

Julie Ann Cureg...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/18 3:40 PM

[Selected photo] [Selected photo] [Selected photo] SO289-B...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/18 2:23 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-431 Julie Ann Cureg...



Quarry Operations | You, Gwen, John, +2



Robert **Baumann** 1/18 1:15 PM

Yes I believe it will fit then Rj will show you...

**EXHIBIT 3**

Exhibit P-43, Page 186



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ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 1/18 12:47 PM

Lens\_1674063801758.mp4 There is product coming through the new bearing is there anything we can do to prevent this from damaging the new bearing and shaft

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 1/17 3:33 PM

SO 530...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 1/17 11:21 AM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] SO289-A Julie Ann Cureg...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/17 11:20 AM

...Then ensure Robert Baumann has been given all the correct paperwork...

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 1/17 10:27 AM

Russell Tidaback Kensley Brewer According to the Daily Production Schedule spreadsheet SO-431 is complete. Please confirm. Yes it got completed yesterday...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/17 10:12 AM

Robert Baumann We have completed SO-289-B as well correct? [image]

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 1/17 10:08 AM

I think this might be part of the confusion...

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 1/17 10:08 AM

[Selected photo] The bol has 40 bags...

**EXHIBIT 3**

Exhibit P-43, Page 187





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ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 1/17 10:08 AM

Robert **Baumann** Only shipping 289-A today (20 bags) correct?



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 1/17 10:03 AM

Ok I will have her get me the 289 -A paperwork...



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 1/17 9:55 AM

We have a truck here for SO-289-A this is that order that got mixed up we have 287 A & B...



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 1/17 9:44 AM

Russell Tidaback Kensley Brewer John states "We have several Bulk bags of OGC in the quarry garage." Is this count include those in the garage? 🚚 These count's are correct also...



Russell Tidaback (You)



Robert **Baumann** 1/17 9:37 AM

Hey I let John know but I'm going to be having to get rides til next week so I'll be leaving at different times til next Friday I'm so sorry for the inconvenience. My car broke down and can't get it fully paid for til next week. I will do my best to get everything going good...



Mill Group Chat | You, Brian, Don, +8



John Spears 1/16 12:33 PM

Jim Hoover Patrick Lewis RJ Williams Robert **Baumann** I am going to the quarry to check out the dozer activity. Be back in an hour.



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/16 10:47 AM

The bulk feed scroll that you guys fixed the other day...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 1/16 10:42 AM

The Lovejoy came apart again...

**EXHIBIT 3**

Exhibit P-43, Page 188



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Quarry Operations | You, Gwen, John, +2

Robert **Baumann** 1/16 10:42 AM

Andrew Wasson I'm in the shop pre tripping the truck do you guys need a load No not yet...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/16 9:30 AM

John Spears Robert **Baumann** What happened to 1/11/2023? If we didnt produce, we still need to put in the DAILY production schedule why. The only reason we should skip over a date is due to it being a scheduled day off/holiday....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/16 9:30 AM

Robert **Baumann** this is also why it needs to be communicated in this group when we are down/not producing for more than 60 minutes anytime during production hours (8am-430pm)....

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 1/13 5:58 PM

Russell Tidaback okay guys... Robert **Baumann** John Spears This is the only pic we have of SO-476. No pic of it being loaded in the truck, etc. and by this message, I have to assume we have to blame this one on Ben... 🤔 ... Sounds good. I like the minimum order idea.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/13 5:08 PM

okay guys... Robert **Baumann** John Spears...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 1/13 5:05 PM

Yes all are wrapped n ready...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/13 5:05 PM

Robert **Baumann** How about SO-530?

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Mill Group Chat You, Brian, Don, +8



Russell Tidaback (You) 1/13 5:03 PM

Robert **Baumann** John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg Robert **Baumann** Did we get SO-520 & SO-527 packaged and ready to ship?

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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/13 10:30 AM  
SO -530 is ready to go out the door Julie Ann Cureg Kensley Brewer...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/12 3:52 PM **IMPORTANT**  
SO-530 has been added to the Production Schedule, please prepare the shipping documents. This will most likely be shipped out tomorrow. Please coordinate with Robert **Baumann** and Julie Ann Cureg notify customer once labelled/wrapped and ready for shipment. They are in desperate need for this (according to them)....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/12 3:49 PM  
CORRECTED - should be DGR Robert **Baumann** - This needs to be pulled from inventory. Julie/Kensley are working on the labels & shipping documents. The customer will most likely try to have it picked up tomorrow. just FYI. [image]

Web Development | You, Anne, Gwen, +3

Russell Tidaback (You) 1/12 11:15 AM  
...Rob **Baumann**...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 1/12 11:06 AM  
John Spears Robert **Baumann** - just a heads up in case you hear from Ben Waters regarding his paycheck deduction amount. The deduction is for the prorated amount of his steel-toed boot reimbursement....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 1/12 10:31 AM  
Robert **Baumann** Also advise him to look at his ADP account for this info. It is provided, no reason to rely on you to know.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 1/12 10:11 AM  
Jordan Tidaback Hi Robert **Baumann** - no, it resets at the beginning of every calendar year. Thanks he hasn't been here and sent me a message to use vacation so I will let him know

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ATMO - Mill Mgmt You, Don, John, +2



Jordan Tidaback 1/12 10:03 AM

Robert **Baumann** Does Jim have vacation time Hi Robert **Baumann** - no, it resets at the beginning of every calendar year.





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 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 1/12 9:52 AM


...Did we produce yesterday? The daily production wasn't filled out either. Robert **Baumann** Make sure you do the shift lead closeout at the end of each day. Closeout: Shifts updated Daily Production spreadsheet.....

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 1/12 9:47 AM


Jordan Tidaback Hi Robert **Baumann** - could you add the mill team's hours in shifts, please? I don't want too many days to go by without tracking it. Does Jim have vacation time

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 1/12 9:02 AM


With the Daily Production spreadsheet, I see the Months and To From Stock tabs as Shift Lead / Robert **Baumann** responsibility and the On-hand and Expendable Items Inventory as the Production Coordinator / Kensley responsibility. [image] Anyone have different thoughts?

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 1/12 8:40 AM


...Robert **Baumann** Make sure you do the shift lead closeout at the end of each day....

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 1/11 6:08 PM


Yes I will get it caught up in the morning sorry...

 ATMO - Mill Mgmt | You, Don, John, +2

 Jordan Tidaback 1/11 5:36 PM

Hi Robert **Baumann** - could you add the mill team's hours in shifts, please? I don't want too many days to go by without tracking it.

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 1/11 4:15 PM

[Selected photo] I believe the mix up is the bags didn't get pulled from overstock count and got assigned twice...

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ATMO - Operations You, Don, Gwen, +4



Russell Tidaback (You) 1/11 3:43 PM

Robert **Baumann** / John Spears Can you confirm that SO-287-A has NOT been produced yet? Per the 2022 DEC daily production spreadsheet is was... [image] [image] Julie Ann Cureg





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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 1/11 11:05 AM

Lot's better out of lil Mac but pouring dust out the tall stack/ green monster what should we do John Spears  
Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 1/11 9:26 AM

Robert Baumann John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg We're in MSHA training. She'll make them on our break in a little while. Thanks.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 1/11 9:19 AM

John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 1/11 8:25 AM

Russell Tidaback Robert Baumann Please package these and let Julie Ann Cureg know when these are ready for shipment pickup. Thanks!! I'm about to be at work sir. I'll get these pulled and ready to ship

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/11 8:14 AM

Robert Baumann Please confirm SO-290 is packaged and ready for shipment. Julie Ann Cureg FYI...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 1/11 8:09 AM

Robert Baumann Please package these and let Julie Ann Cureg know when these are ready for shipment pickup. Thanks!! [image] [image]

ATMO - Operations | You, Don, Gwen, +4

RB Robert Baumann 1/11 8:07 AM

Yes thank you...



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ATMO - Operations You, Don, Gwen, +4



Robert **Baumann** 1/11 8:05 AM

It would be easier with usually only three of us lately to get things going in the morning it would be a great help



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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 1/11 8:01 AM  
Russell Tidaback SO-520 and SO-527 have been added to the Production Schedule, please prepare the shipping documents. Julie Ann Cureg Kensley Brewer NOTE: Robert **Baumann** / John Spears - These orders are to be pulled... Can you send me what they are please so we can get it together to save time

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/11 7:45 AM  
...NOTE: Robert **Baumann** / John Spears - These orders are to be pulled from inventory and combined on one pallet and packed for shipment preferably today. Let us know when these are packaged and ready for shipment...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/10 5:05 PM  
[Selected photo] [Selected photo] Also looks like a lot of the product upon starting up is falling from the green box filters ran it approximately 1.5 hrs for clear out and lots of product still falling...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/10 4:25 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] Appears this is not functioning correctly and product is just sitting on top of filters...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/10 3:01 PM  
Getting some excess dusting out of the lil Mac and the wind is not in our favor so going to shut down a lil early and swap filters out Russell Tidaback John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/6 12:20 PM  
Don't know what we did but we got it going been running for a few now sorry Gage Wheeler didn't have my phone on me...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/6 10:56 AM  
Burner is not wanting to stay lit it's getting to 160 180 and kicking off been trying different things any ideas Jim Hoover Gage Wheeler...

**EXHIBIT 3**

Exhibit P-43, Page 197

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Mill Group Chat You, Brian, Don, +3

Robert **Baumann** 1/5 2:45 PM

That's not scheduled til May for production RJ Williams...

ATMO - Company Wide group chat | You, Brian, Don, +4

Russell Tidaback (You) 1/4 9:39 PM

...John Spears Jim Hoover Patrick Lewis Robert **Baumann** RJ Williams Kensley Brewer Gage Wheeler Andrew Wasson Jordan Tidaback

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Mill Group Chat | You, Brian, Don, +8

John Spears 1/4 9:00 PM

...RJ Williams please continue with crushing rose. Robert **Baumann** will help me run a water tube up to the fourth floor so we can set up the sprayer over the Donaldson exhaust vent. I'll be getting the water connected in the basement. Thank you.

Quarry Operations | You, Gwen, John, +2

Robert **Baumann** 1/4 4:49 PM

Andrew Wasson Robert **Baumann** are you running rose again in the morning Yes

Quarry Operations | You, Gwen, John, +2

Andrew Wasson 1/4 4:38 PM

Robert **Baumann** are you running rose again in the morning

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 1/4 4:28 PM

...John Spears Kensley Brewer Robert **Baumann** Andrew Wasson

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 1/4 2:02 PM

Having issues with the g40 feed keeps kicking off and we need to check the belts on the classifier been feeding product but really having to baby sit it. Tube mill charge is a little low but shouldn't be causing all of this...

Quarry Operations | You, Gwen, John, +2

Robert **Baumann** 1/4 12:00 PM

Andrew Wasson we are ready for rose at the mill...





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 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 1/4 11:12 AM


Robert **Baumann** Do we have what we need to repair the water pipe for the Mill I'm figuring that today.

 ATMO - Maintenance Group | You, Don, Joe, +3

 Robert **Baumann** 1/4 10:17 AM


Do we have what we need to repair the water pipe for the Mill...

 ATMO - Operations | You, Don, Gwen, +4

 Robert **Baumann** 1/4 10:16 AM

John and Jim had ran 3 bags on Friday night did they get put in...

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 1/4 9:07 AM


Yes I seen that thanks for the heads up...

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 1/4 6:43 AM

Russell Tidaback Robert **Baumann** John Spears SO-289, 20 bags done, need 20 more to complete the order...  
Question so is there an a and b part to 289 you couldn't ship 40 bags at once

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 1/4 1:52 AM

Robert **Baumann** John Spears SO-289, 20 bags done, need 20 more to complete the order... [image]



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Quarry Operations | You, Gwen, John, +2

Robert **Baumann** 1/3 2:26 PM  
Probably not today but thanks...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/3 2:00 PM  
Patrick Lewis This only 11 pallets No...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/3 1:57 PM  
Patrick Lewis LOL Getting it now Patrick Lewis and John Spears is working on our sweet treat 🍌 ...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/3 1:55 PM  
Patrick Lewis It's a swift truck lol Confirm it's for order So 292...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 1/3 1:52 PM  
Getting the paperwork for it now thanks...

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 1/3 1:25 PM  
Robert **Baumann** per your request SO-292 has been staged for load out , easily accessible.

Quarry Operations | You, Gwen, John, +2

Andrew Wasson 1/3 12:32 PM  
Robert **Baumann** I'm almost back to the sheds I'll dump this cream then I'll grab the rose and head that way

Quarry Operations | You, Gwen, John, +2

Robert **Baumann** 1/3 12:02 PM  
Andrew Wasson Robert **Baumann** do you guys need a load at the mill? A load of rose please

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 201

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Quarry Operations | You, Gwen, John, +2

Andrew Wasson 1/3 11:58 AM  
Robert **Baumann** do you guys need a load at the mill?

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 1/3 10:25 AM  
[Selected photo] After starting up the Lovejoy on the newer feed scroll has came apart we are currently fixing...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 12/29/22 4:04 PM  
Yes and was needing to use Ben and Rj s pto for hours missed last pay period...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 12/29/22 1:58 PM  
Pat and Rj are in the pit shoveling it out the rest of the guys left already...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert **Baumann** 12/29/22 12:20 PM  
So we cleaned electrodes checked gas pressure and getting proper voltage to everything to the dryer is there anyway to call the guy to look at it again we are at wits end Russell Tidaback John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/29/22 9:44 AM  
Benjamin Waters John Spears, Robert **Baumann** did Randy fix the bagger yesterday ? Is it operational? The bagger is non operational at this time they were looking into it when we discovered the burner issue

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 12/29/22 9:39 AM  
Robert **Baumann**, John Spears do we have a current production schedule available to mill associates with order specifications? Nothing been on the white board in the break room and nothings been posted in the mill group chat ....

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 12/29/22 9:35 AM  
John Spears, Robert **Baumann** did Randy fix the bagger yesterday ? Is it operational?

**EXHIBIT 3**

Exhibit P-43, Page 202





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Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/28/22 3:12 PM

Robert **Baumann** John Spears Russell Tidaback had been running decent all day and now having issues with the burner and temps. Exhaust temp wouldn't go above 248 so we are working on it Very good!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/28/22 3:11 PM

John Spears Russell Tidaback had been running decent all day and now having issues with the burner and temps. Exhaust temp wouldn't go above 248 so we are working on it...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/28/22 2:31 PM

John Spears hey Randy is over here in the mill he is visiting and showing maintenance and I a few things...

Quarry Operations | You, Gwen, John, +2

RB Robert **Baumann** 12/28/22 12:59 PM

Andrew Wasson can you come over to the mill when you get a chance...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/28/22 12:15 PM

Robert **Baumann**, John Spears, Bryceton Williams there is a problem on the G40 return scroll.

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/27/22 11:29 AM

Robert **Baumann**...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/27/22 11:27 AM

Robert **Baumann** I will tell Andrew that we are ready for it Yes he knows I told him before he dumped the first load to bring another .

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/27/22 11:16 AM

I will tell Andrew that we are ready for it...

**EXHIBIT 3**

Exhibit P-43, Page 203





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Mill Group Chat | You, Brian, Don, +8

RE Robert Baumann 12/27/22 11:15 AM

Yes I will have Justin come out to scrape it out when we get the other load that he's bringing crushed...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/27/22 11:13 AM

Robert Baumann can 1 of the other 2 mill associates go outside to the dump pit and knock the sides down onto the flight feeder belt. The pole is out there I just did it. The Tripoli has a lot of moisture in it preventing it from sliding down like it normally does

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/26/22 11:09 PM

John Spears Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RE Robert Baumann 12/26/22 3:38 PM

Patrick Lewis I cleaned the mess up Thank you Patrick Lewis for being so proactive and being extra helpful with being short staffed...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/26/22 10:30 AM

John Spears Robert Baumann what where the specs for order # 287 B?

Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/26/22 8:10 AM

Jim Hoover Benjamin Waters Patrick Lewis Robert Baumann RJ Williams Bryceton Williams Good morning everyone. Hope y'all had a nice Christmas. Let's have a productive day.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 2:01 PM

Robert Baumann We only have 20 DGR bags left to fill on this order (SO-292\*). Make sure we combine with the other portion of SO-292, (21 pallets total, 420 bags total) [image] [image]

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/23/22 12:39 PM

Robert Baumann we was unable to locate any additional filters for the Donaldson, we did find extra new filters for the little Mac

**EXHIBIT 3**

Exhibit P-43, Page 204



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/23/22 12:35 PM

Russell Tidaback Ah, I didnt see the note. Yes I tried everything for the date and it was reading invalid...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 12:34 PM

Ah, okay. Robert **Baumann** John Spears / Kensley Brewer Probably need to add the filters for the Donaldson, the Green Monster, and the cage filters to the inventory tab on the daily production spreadsheet....

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/23/22 12:32 PM

Russell Tidaback Did we have 2 on-hand, Robert **Baumann**? We had used our spares so please order a few for spares we will patch these until we get some

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 12:31 PM

Also, Robert **Baumann** Kensley Brewer Please correct this so the Production Schedule can be updated... [image]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/23/22 12:21 PM

Ben and rj are looking right now I thought we had saved a couple if not I will have to patch them up...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/23/22 12:16 PM

Did we have 2 on-hand, Robert **Baumann**?

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/23/22 12:14 PM

[Selected photo] [Selected photo] Checking and cleaning the Donaldson filters Ben discovered two very damaged ones so getting these replaced and put back together this should help our recent discovery of dusting Monday...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/22/22 8:07 AM

[Selected photo] Temp dropped 10 degrees since I left...

**EXHIBIT 3**

Exhibit P-43, Page 205



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Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/21/22 5:18 PM

Robert **Baumann** as you requested sir, the dump pit is now empty material has been crushed .

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/21/22 2:25 PM

[Selected photo] [Selected photo] [Selected photo] Julie Ann Cureg...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 12/20/22 6:51 PM

No he didn't make it...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/20/22 6:50 PM

Did Jim make it in today? Robert **Baumann**

ATMO - Maintenance Group | You, Don, Joe, +3

RB Robert **Baumann** 12/20/22 6:48 PM

He called him today for advice 😊 ...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/20/22 4:11 PM

I was waiting for you...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/20/22 4:10 PM

Got it fired up...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/20/22 2:37 PM

We will get it going...

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**EXHIBIT 3**

Exhibit P-43, Page 206



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Quarry Operations | You, Gwen, John, +2

RB Robert Baumann 12/20/22 1:56 PM  
No we are good thank you...

Quarry Operations | You, Gwen, John, +2

AW Andrew Wasson 12/20/22 1:49 PM  
Robert Baumann I'm about to head back from the dry shed should I bring a load of cream ?

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 12/20/22 12:53 PM  
100# bagging started stopping again reset PLC's twice and it worked but now it's not helping but will still keep production going in bulk while we are working on bagger...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/20/22 9:53 AM  
Robert Baumann it should only take two people to run bulk bags.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/20/22 9:46 AM  
Any reason why the guys didn't show up? Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 12/20/22 9:18 AM  
You are the one I'm counting I knew you were here...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/20/22 9:17 AM  
Robert Baumann John Spears Russell Tidaback what do you guys want me to run I have the system running and ready and only have 1 mill associate here Who's the one Robert ? I'm here been here since 8

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 12/20/22 9:14 AM  
John Spears Russell Tidaback what do you guys want me to run I have the system running and ready and only have 1 mill associate here...

**EXHIBIT 3**

Exhibit P-43, Page 207



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Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/20/22 9:02 AM

John Spears, Robert **Baumann** would you guys like me to continue crushing ? The remaining cream that is currently in the dump pit should top off the cream tank. I know John mentioned yesterday that we needed to get back to filling the rose tanks directly after the cream was finished .

Quarry Operations | You, Gwen, John, +2

JS John Spears 12/19/22 3:25 PM

Andrew Wasson Robert **Baumann** do you want me to load another truck and have bring it back? Another load of cream please. That should fill the tank. Any changes and I'll let you know.

Quarry Operations | You, Gwen, John, +2

AW Andrew Wasson 12/19/22 3:23 PM

Robert **Baumann** do you want me to load another truck and have bring it back?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/19/22 11:24 AM

[Captured photo] This switch is bad gunna keep going in bulk for now...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/19/22 11:16 AM

Robert **Baumann** Where you at we are here Was right behind you .

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/19/22 11:12 AM

Where you at we are here...

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/19/22 11:10 AM

Robert **Baumann** we are having technical problems with the pneumatic cylinder that operates the saddle on the bagger

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 12/16/22 2:26 PM

Russell Tidaback Robert **Baumann** While John Spears and Brycetron are working on getting the Elevator repaired... Was John able to get with you to coordinate about moving a desk from the admin bldg to the Lab/Maintenance... We got it transferred over

**EXHIBIT 3**

Exhibit P-43, Page 208

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/16/22 11:15 AM

Patrick Lewis I'm ready for your help over here Benjamin Waters there is cream ready to be crushed in the pit...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 12/16/22 9:42 AM

Sarah knows she is telling me...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 12/16/22 9:41 AM

No but I will find out and get it over here...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/16/22 9:40 AM

Robert **Baumann** While John Spears and Bryceton are working on getting the Elevator repaired... Was John able to get with you to coordinate about moving a desk from the admin bldg to the Lab/Maintenance office?

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/16/22 9:34 AM

Russell Tidaback This is picked labeled and wrapped and ready...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 12/16/22 9:13 AM

Robert **Baumann** Please let us know when you are producing material. Thanks guys!!!!

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/16/22 9:00 AM

Robert **Baumann** John Spears...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/16/22 9:00 AM

Robert **Baumann** John Spears Ensure you are viewing the Online Production Schedule each morning to know what we expecting to be produced that day...

**EXHIBIT 3**

Exhibit P-43, Page 209

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 5:01 PM

Russell Tidaback ok, so 1 assigned to SO-446 and 4 available, correct? Correct...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 4:55 PM

No we have 5 50lb AFC left...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/15/22 4:48 PM

Robert **Baumann** [image]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 3:49 PM

We are shutting down to get the top of the elevator fixed...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/15/22 10:23 AM

We did it's over half of product now we are working on the top of flour elevator once we fire back up we are going to figure out where it's coming from to end up back in that box...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/14/22 1:36 PM

Robert **Baumann** We have it Thanks Robert **Baumann** . Julie Ann Cureg and Sarah Giberti are working on the labels and shipping documents. [image]

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/14/22 1:08 PM

Robert **Baumann** Please verify on-hand inventory: [image] Sorry, this is for a different customer

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 12/14/22 1:00 PM

Russell Tidaback Robert **Baumann** Please verify on-hand inventory: [image] John Spears We have it

**EXHIBIT 3**

Exhibit P-43, Page 210





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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/14/22 12:49 PM  
Robert **Baumann** Please verify on-hand inventory; [image] John Spears

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/14/22 9:39 AM  
Russell Tidaback [image] Image Robert **Baumann** I've located 10 OGR 2000 lb Bulk bags , none specified for any order. Theoretically we need 30 more Bulk bags OGR to complete both 286A & 284B unless my math is off , 7 OGR bulk bags in quarry garage 3 located on mill production floor.

Mill Group Chat | You, Brian, Don, +8

SG Sarah Giberti 12/13/22 5:24 PM  
Robert **Baumann** I want to thank everyone for jumping in and helping even you Patrick Lewis 🙏 You are very welcome Rob 😊

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 5:22 PM  
I want to thank everyone for jumping in and helping even you Patrick Lewis 🙏 ...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 4:48 PM  
Test run good other than belt adjustments after we run a lil rock...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 1:42 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 12/13/22 1:39 PM  
Russell Tidaback This quietness is scaring me! 🙏 Cuz we working 🙏 ...

Quarry Operations | You, Gwen, John, +2

Russell Tidaback (You) 12/12/22 10:06 PM  
Hi Andrew Wasson This group chat is for the quarry operations. Once you get caught up to speed on things we will be reaching out to you for truck loads when the mill needs more material. John Spears Sarah Giberti Robert **Baumann**

**EXHIBIT 3**

Exhibit P-43, Page 211





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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/8/22 3:18 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-384 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/7/22 3:00 PM  
[Selected photo] [Selected photo] [Selected photo] SO-507 Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/6/22 3:00 PM  
Robert Baumann Actually we have 48 Robert Baumann Julie Ann Cureg is working on the shipping documents. John Spears is working on the labels. According to the customer, this should ship out tomorrow. [image]

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 12/6/22 2:42 PM  
[Captured photo]

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 12/6/22 2:38 PM  
Russell Tidaback What is the Shippers name? It was the container place out of Kansas City she stated she was arranging a truck for the 8th...

ATMO - Operations | You, Don, Gwen, +4

Robert Baumann 12/6/22 2:34 PM  
Shipper called to confirm picking up SO-384 on dec 8th it's ready to go with paperwork and seal...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 2:29 PM  
[Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 2:10 PM  
Julie Ann Cureg Hi everyone to the person that printed the paperwork for SO-452, I just added the shipping label to its folder. This order will be picked up today. Thank you, John is going to get in touch the truck is here waiting...

**EXHIBIT 3**

Exhibit P-43, Page 212



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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 1:57 PM

Julie Ann Cureg Hi everyone for the person that printed the paperwork for SO-452, I just added the shipping label to its folder. This order will be picked up today. Thank you. John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 1:37 PM

Russell Tidaback Robert Baumann Can you please confirm these are there... Actually we have 48

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 1:12 PM

Russell Tidaback Robert Baumann Can you please confirm these are there... Will do

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 12/6/22 1:08 PM

Robert Baumann Can you please confirm these are there... [image]

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 12/6/22 12:35 PM

[Selected photo] [Selected photo] SO-391 Julie Ann Cureg...

ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 12/5/22 6:57 PM

It will absolutely help not losing all that air pressure all the time 🙌. Thanks...




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 You and John

 JS John Spears 12/1/22 12:12 PM

Robert **Baumann** Yes a city worker just stopped at the road and said he caught an oder of gas. I told him they were looking into it He smelled the gas that remained in the pipe after we shut off the main valve. We disassembled the pipe to apply new pipe dope and Teflon tape. No bubbles after reassembled.

 You and John

 RB Robert **Baumann** 12/1/22 11:57 AM

Yes a city worker just stopped at the road and said he caught an oder of gas. I told him they were looking into it...



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Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 11/29/22 4:49 PM  
Robert **Baumann** Do we have a shipping date for the order from yesterday SO-391 Not yet but customers said that their freight forwarder will contact us to set up for pick up.

Mill Group Chat | You, Brian, Don, +8

SG Sarah Gilbert 11/29/22 4:45 PM  
Robert **Baumann** Do we have a shipping date for the order from yesterday SO-391 Also need the paperwork for this please.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 4:45 PM  
Julie Ann Cureg Thanks Do we have a shipping date for the order from yesterday SO-391...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 4:41 PM  
Julie Ann Cureg Robert **Baumann** is this ready for pick up? Yes it's ready to go

Mill Group Chat | You, Brian, Don, +8

Julie Ann Cureg 11/29/22 4:40 PM  
Robert **Baumann** Yes 2 pallets 42 afr-100# 5 dgr -100# 6 afr 50# Robert **Baumann** is this ready for pick up?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 4:02 PM  
Russell Tidaback Julie Ann Cureg FYI, SO-503\* has pallet and weight changes. Wait for Robert **Baumann** response on the number of pallets question above before completing the shipping paperwork. Yes 2 pallets 42 afr-100# 5 dgr -100# 6 afr 50#

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/29/22 3:57 PM  
Julie Ann Cureg FYI, SO-503\* has pallet and weight changes. Wait for Robert **Baumann** response on the number of pallets question above before completing the shipping paperwork.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/29/22 3:56 PM  
I updated the On-hand Inventory as well. Robert **Baumann** John Spears

**EXHIBIT 3**

Exhibit P-43, Page 215



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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/29/22 3:50 PM

Russell Tidaback Okay. Send the 6 bags of AFR 50# instead. I'll notify the Customer. Robert **Baumann** This Order, SO-503 should fit on two 40x48 pallets then, correct?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/29/22 3:29 PM

[Selected photo]



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/29/22 3:29 PM

Robert **Baumann** Ok we will get this picked this afternoon Russell Tidaback when we went to stack these 50 afr they are mislabeled they are AFC we only have 6 bags of afr 50 pounders



Mill Group Chat | You, Brian, Don, +8



Benjamin Waters 11/29/22 2:52 PM

Robert **Baumann** hole is patched on waste bin! [<https://us-api.asm.skype.com/v1/objects/0-cus-d1-d5405caa28d5451c06312606605ff949/views/imgo>]



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/29/22 1:45 PM

Russell Tidaback Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags... Ok we will get this picked this afternoon



Mill Group Chat | You, Brian, Don, +8



Sarah Giberti 11/29/22 1:34 PM

...Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags on one pallet, 32 (8-high) 100# bags on one pallet, and 15 (4-high) 100# bags .....



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/29/22 1:20 PM

Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory....

**EXHIBIT 3**

Exhibit P-43, Page 216



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Mill Group Chat You, Brian, Don: +8

Robert **Baumann** 11/29/22 3:29 PM  
[Selected photo]

Mill Group Chat You, Brian, Don: +8

Robert **Baumann** 11/29/22 3:29 PM  
Robert **Baumann** Ok we will get this picked this afternoon Russell Tidaback when we went to stack these 50 afr they are mislabeled they are AFC we only have 6 bags of afr 50 pounders

Mill Group Chat You, Brian, Don: +8

Benjamin Waters 11/29/22 2:52 PM  
Robert **Baumann** hole is patched on waste bin! [<https://us-apl.asm.skype.com/v1/objects/0-cus-d1-d5405caa28d5451c06312606605ff949/views/imgo>]

Mill Group Chat You, Brian, Don: +8

Robert **Baumann** 11/29/22 1:45 PM  
Russell Tidaback Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags...  
Ok we will get this picked this afternoon

Mill Group Chat You, Brian, Don: +8

Sarah Giberti 11/29/22 1:34 PM  
...Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory. I set it up (83 bags total): 36 (8-high) 50# bags on one pallet, 32 (8-high) 100# bags on one pallet, and 15 (4-high) 100# bags .....

Mill Group Chat You, Brian, Don: +8

Russell Tidaback (You) 11/29/22 1:20 PM  
Robert **Baumann** Ref. SO-503\* - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from inventory....

ATMO- Mill Mgmt You, Don, John: +2

Robert **Baumann** 11/29/22 10:59 AM  
I Will ask the guys thank you so much...

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 217



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ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 11/29/22 10:44 AM  
Hi Robert **Baumann** I noticed some guys on your team were short 40 hours for this pay period (Nov 13th - 26th). Could you ask them if any would like to use available PTO to meet that 40 hours?...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/29/22 10:40 AM  
Russell Tidaback Robert **Baumann** ref . SO-391 - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from Inventory SO-391 is picked and ready

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 7:09 PM  
Robert **Baumann** ref . SO-391 - Julie Ann Cureg / Sarah Giberti are working on getting the labels & shipping documents to you. Pull these from Inventory [image]

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 11/28/22 5:34 PM  
Hi Robert **Baumann** thanks for getting those numbers....

Mill Group Chat | You, Brian, Don, +8

JS John Spears 11/28/22 2:50 PM  
Fantastic Robert **Baumann** thank you!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/28/22 2:48 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] SO-297. Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 1:52 PM  
Robert **Baumann** On hand quantities are now correct Russell Tidaback Thanks Rob

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/28/22 1:11 PM  
Benjamin Waters Robert **Baumann** finish elevator access door is properly sealed now, Thanks Benjamin Waters

**EXHIBIT 3**

Exhibit P-43, Page 218

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Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 11/28/22 1:10 PM

Robert **Baumann** finish elevator access door is properly sealed now...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/28/22 12:46 PM

Russell Tidaback Robert **Baumann** Please look at the Daily Production Spreadsheet and let me know what number discrepancies we have in comparison [image] Customers are looking to get anything we have available. John Spears On hand quantities are now correct Russell Tidaback

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 12:34 PM

Robert **Baumann** John Spears SO-297 (RTN-22063) is being picked up today. Shipper Name: Texas International Ref#: (if available) Truck: 1907112 / Trailer: 17455

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/28/22 11:49 AM

Robert **Baumann** Please look at the Daily Production Spreadsheet and let me know what number discrepancies we have in comparison [image] Customers are looking to get anything we have available. John Spears

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/23/22 12:49 PM

Russell Tidaback Robert **Baumann** Benjamin Waters Did we complete SO-297 yesterday? part of the 14523 discussion yesterday morning w/ Sarah about labeling. [image] Yes it is done [checkmark] 21 pallets of ogr

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/23/22 12:33 PM

Russell Tidaback [image] Robert **Baumann** Benjamin Waters Did we complete SO-297 yesterday? part of the 14523 discussion yesterday morning w/ Sarah about labeling. [image]

Mill Group Chat | You, Brian, Don, +8

JS John Spears 11/23/22 9:59 AM

Russell Tidaback John Spears Robert **Baumann** Benjamin Waters I'd like have a 9am meeting tomorrow to go over the inventory spreadsheet. This way you can get the projects started for the guys and then attend the meeting. I need to make sure we are all tracking this the same. Ben and Rob are here my office.

**EXHIBIT 3**

Exhibit P-43, Page 219



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Mill Group Chat · You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 5:30 PM

John Spears Robert **Baumann** Benjamin Waters I'd like have a 9am meeting tomorrow to go over the inventory spreadsheet. This way you can get the projects started for the guys and then attend the meeting. I need to make sure we are all tracking this the same.

Mill Group Chat · You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 5:22 PM

Robert **Baumann** Benjamin Waters Customer has changed to the C-45 bag. Please put this together so hopefully we can get it shipped out tomorrow. [Image]

Mill Group Chat · You, Brian, Don, +8

Robert **Baumann** 11/22/22 5:14 PM

We have 220 for so-292 that have been here awhile...



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/22/22 3:12 PM  
[Selected photo] [Selected photo] [Selected photo] SO-481...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/22/22 2:38 PM  
[Selected photo] Pallets arrived and looked good...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/22/22 11:34 AM  
Russell Tidaback Robert **Baumann** Sarah Giberti Did we get this completed? Yes it got completed

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/22/22 11:33 AM  
Bullfrog brought 40 yesterday and said he was bringing another 40 Monday and Pat is organizing the warehouse to accommodate the 250 for today's delivery...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 11:31 AM  
...Robert **Baumann** Sarah Giberti Did we get this completed?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 11:29 AM  
...John Spears Robert **Baumann** Sarah Giberti I tried emailing and calling Charles from Bullfrog Pallets with no response. As such, I ordered 250 Pallets from Triple R Recycling yesterday and they are to be delivered today. Be expecting two different pallet deliveries.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/22/22 8:44 AM  
John Spears Robert **Baumann** 250 40x48 pallets are to be delivered today (9am-3pm). Please ensure none are broken/useless and 250 are there. Thanks!

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/21/22 4:37 PM  
[Selected photo] [Selected photo] SO - 370 Julie Ann Cureg...

**EXHIBIT 3**

Exhibit P-43, Page 221



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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/21/22 3:17 PM

Russell Tidaback Please look at the on-hand tab of the daily production 2022 spreadsheet and let me know the accurate discrepancies. I will look at it first thing tomorrow we are patching holes and working on the 4th at the moment...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/21/22 2:27 PM

Russell Tidaback no pc at all we have 1 c-45...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/21/22 2:15 PM

I'm moving some pallets to be sure...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/21/22 2:14 PM

Russell Tidaback ? Inventory must be off then. It shows 1 100# of PC. How about 50# bags of PC? I'm not seeing any pc at all is that what ben would have counted...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/21/22 2:11 PM

Russell Tidaback Robert Baumann Jim Hoover Please put this together as we need to try to get FEDEX to pick it up ASAP (since we have the holidays coming the end of the week) Julie Ann Cureg Sarah Giberti Russell Tidaback we don't have any PC100 in stock

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/21/22 1:44 PM

Robert Baumann Jim Hoover Please put this together as we need to try to get FEDEX to pick it up ASAP (since we have the holidays coming the end of the week) [image] Julie Ann Cureg Sarah Giberti

Mill Group Chat | You, Brian, Don, +8

JS John Spears 11/18/22 11:49 AM

Jim Hoover Benjamin Waters Patrick Lewis RJ Williams Robert Baumann. I'll be in the lab running Cilas samples.

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 222

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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 11/18/22 10:22 AM

Russell Tidaback Tricky one for you guys... Happy Friday. Get 420 labels from Sarah for SO-297 Locate the 80 100# bags labeled SO-329. Remove the 80 SO-329 Replace labels with SO-297 Locate 340 100# bags in inventory... 40by 48 pallets correct??



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Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 11/17/22 5:23 PM

Robert **Baumann** I just left can you confirm for me Patrick Lewis Checking now sir

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/17/22 5:16 PM

Russell Tidaback If so, we have an order needing to be put together tomorrow AM but I want to confirm before we notify UPS. I just left can you confirm for me Patrick Lewis...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/17/22 5:05 PM

Robert **Baumann** Please confirm, to inventory on: [image] We have on-hand? [image]

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/17/22 3:47 PM

Robert **Baumann** on the Daily Production 2022 spreadsheet, I added the 300 OGR bags to inventory on today's date. Just FYI.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/17/22 3:45 PM

Russell Tidaback Benjamin WatersRobert **Baumann** Was SO-384 completed? [image] Julie Ann Cureg Yes it is ready to go

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/17/22 3:34 PM

Benjamin Waters Sarah Giberti I also need an additional 32 labels for SO-384 OGR please and thanks Benjamin WatersRobert **Baumann** Was SO-384 completed? [image] [image] Julie Ann Cureg

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/17/22 3:33 PM

Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/17/22 3:33 PM

[Selected photo] [Selected photo] SO-463...

**EXHIBIT 3**

Exhibit P-43, Page 224





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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/17/22 3:22 PM

Russell Tidaback Robert Baumann... okay... so it appears that SO-268 was a double production or at least double labelled. SO-268 shipped out on 11/10/22. Please unwrap these and remove the labels. Let me know when done... Ok we will start getting these untagged

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/17/22 3:21 PM

Russell Tidaback Robert Baumann... okay... so it appears that SO-268 was a double production or at least double labelled. SO-268 shipped out on 11/10/22. Please unwrap these and remove the labels. Let me know when done... We do have 11 pallets of so-292 ogr for reptec

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/17/22 3:18 PM

Robert Baumann... okay... so it appears that SO-268 was a double production or at least double labelled...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/17/22 3:04 PM

[Captured photo] Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/17/22 2:59 PM

We have 300 /15 pallets of ogr for maverick abrasive order 14475. No dgr has been ran for maverick Russell Tidaback...

Mill Group Chat | You, Brian, Don, +8

SG Sarah Giberti 11/17/22 1:28 PM

SO-370 is going to be picked up this afternoon by Fedex freight. Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/16/22 4:04 PM

John Spears 🤔 Order is fully ready to go now...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/16/22 1:59 PM

Yes ma'am...

**EXHIBIT 3**

Exhibit P-43, Page 225

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/16/22 1:49 PM  
[Selected photo] SO -481 Sarah Giberti...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/16/22 12:56 PM  
Russell Tidaback It is an international order so it will need to be weighed when complete together and it probably wont be picked up today. The tags read AFC but the order has DGC which ones do we need...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/16/22 12:33 PM  
Robert **Baumann** Getting labels made now just waiting on shipping paperwork to be loaded Julie Ann Cureg Please work on the SO-481 shipping documents. 😊

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/16/22 12:32 PM  
Russell Tidaback Robert **Baumann** can we get this put together and ready for shipment today? Sarah Giberti Julie Ann Cureg 🇺🇸 Getting labels made now just waiting on shipping paperwork to be loaded

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/16/22 12:25 PM  
Robert **Baumann** can we get this put together and ready for shipment today? Sarah Giberti Julie Ann Cureg [image]

Russell Tidaback (You)

Robert **Baumann** 11/15/22 7:14 PM  
Probably Justin between the two...

Russell Tidaback (You)

Robert **Baumann** 11/15/22 5:46 PM  
Yes some days I would need to leave at 4 tho...

Robert **Baumann**

Russell Tidaback (You) 11/15/22 5:40 PM  
Robert **Baumann** between you I and John... Are you able to work days on a regular schedule?

**EXHIBIT 3**

Exhibit P-43, Page 226



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/15/22 4:22 PM  
Paperwork is in hand now...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/15/22 4:20 PM  
Does 423 go with this truck also...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/15/22 4:19 PM  
Thanks Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/15/22 4:18 PM  
Picking 464 now going to get paperwork for both...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/15/22 4:03 PM  
Benjamin Waters Sarah Giberti I need paperwork for so463 so 464 is that what xpo needs...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/15/22 3:54 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] Julie Ann Cureg...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/15/22 1:34 PM  
Yes we have paperwork for 476 and 456 ready to go over here...

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 11/14/22 11:59 AM  
John Spears Robert **Baumann** We have no fall protection. FYI, need it to work on top of the tube mill.

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 227



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American Tripoli - Administration > Mill - Plant - Group



Russell Tidaback (You) 11/13/22 5:49 AM

...We will change the 2nd shift schedule, Robert **Baumann** let us know when your team would like to start this schedule....



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 11/11/22 4:35 PM

I couldn't get enough people was wanting to run 8...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 11/11/22 12:02 PM

Robert **Baumann** Are you wanting to run a Sunday 8 or 10 hr shift?



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/10/22 11:02 PM

Ok it's kicking off after a couple minutes of running going to keep trying...



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/10/22 10:58 PM

Good to hear. Thanks Jim Hoover and Robert **Baumann**



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/10/22 10:56 PM

After shutting everything down and restarting twice got it going again. Must have been one of the resets in the green box. Thank you Jim Hoover...



You and John



Robert **Baumann** 11/10/22 10:23 PM

Answer your phone...



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 11/10/22 9:37 PM

Russell Tidaback: Yes, thanks John Spears I'm having a time trying to get the rock to come out now will it take a bit or should I be doing something different...

**EXHIBIT 3**

Exhibit P-43, Page 228

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 9:19 PM  
Me too thank you again...

Mill Group Chat | You, Brian, Don, +8

John Spears 11/10/22 9:18 PM  
Robert **Baumann** Getting it tighten up now to get adjusted thank you so much John Spears Glad I was close,

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 9:17 PM  
Jim Hoover give me a call sir...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 9:16 PM  
Russell Tidaback Jim said we do. Please call him Ok I'm feeling confident on the adjustments and trying to get the extra rock ran through now to start back up...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 8:19 PM  
Getting it tighten up now to get adjusted thank you so much John Spears...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/10/22 8:10 PM  
Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/10/22 7:05 PM  
John Spears Jim Hoover Terry Barlow we are down the fluid bed dryer lost the belt...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/9/22 11:58 PM  
Yep something is up with it. I don't know what but it's not functioning correctly...

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Exhibit P-43, Page 229

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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 11/9/22 11:08 PM

John Spears Jim Hoover something is going wrong with the flour elevator again just started making noise. Shutting down to see...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/9/22 5:38 PM

Just make sure Robert **Baumann** is made aware of the other bags that complete the order.

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 11/9/22 9:03 AM

Robert **Baumann**...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/8/22 11:25 PM

Well you know how I love computer's 🤖. We will get it figured out and get going on it...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/8/22 11:20 PM

John and I both tried this evening and couldn't get in...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/8/22 11:17 PM

Yes still a lot of air leaks to be fixed but in general it's running better.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/8/22 11:11 PM

The socks are still puffing to quickly in my opinion but are going down better than before...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 11/8/22 11:04 PM

Basically everything...

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Exhibit P-43, Page 230

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ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 11/8/22 11:04 PM

It's still not as good as I feel it should be but I'm thinking cleaning out those exhaust pipes to big Mac and clearing lines sure helping and yes sealing filters and the door alot better helping too...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 11/8/22 11:00 PM

Tbh I was too a little 😞. We should end up a little over 30,000 tonight. System running better for sure if it's running I want to get after it...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 11/8/22 10:55 PM

Thinking about 1 to 9 or 2 to 10 I know Rj will come in. It would go on this pay period correct?

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 11/8/22 10:51 PM

No I was just counting pallets we are running decent. Gunna stay hooked til 11 to clean out system. We are going to start 10 hr shifts next week also if it's still alright and I would like to run Sunday also if it's ok as long as everything stays running decent the rest of the week...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 11/8/22 10:46 PM

When I put my production numbers in they may seem off but will come in a little early tomorrow to get things straightened out. I'm concerned we may have doubled up on SO-268 trying to get it figured out and fixed tomorrow but have plenty of orders for 100 ogr so we will be good either way sorry...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/8/22 9:21 PM

John Spears That motor is a little tricky. Ben was telling me that you have to use a feeler gage to adjust the brake. I'll have to study on it. Yeah it won't even run to be able to adjust the break...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 11/8/22 9:15 PM

John Spears I have planned to get to Lowe's but I keep getting interrupted by visitors. I'll have some in the morning. The new maintenance guys and myself will have to read up on the palletizer. We'll do our best... Thanks I've been trying to at least get it to raise so we can wrap pallets but no luck everything else is...

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Exhibit P-43, Page 231

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Mill Group Chat You, Brian, Don, +8

Robert Baumann 11/8/22 9:02 PM

[Selected photo] Also John Spears if you can get maintenance and you to check the palletizer motor out it smells burnt and getting juice to it but won't even try to raise the platform...



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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/8/22 9:00 PM

[Selected photo] John Spears did you by chance grab some insulation yet we need some for some doors that are dusting...

Robert Baumann

Russell Tidaback (You) 11/7/22 10:19 AM

Good Morning Robert Baumann...

Russell Tidaback (You)

Robert Baumann 11/5/22 1:51 PM

I will find out for sure Monday and let you know.

Russell Tidaback (You)

Robert Baumann 11/5/22 1:40 PM

I got em wrote down and gonna put it in Monday I gotta see what time Pat and laundry left Friday to get everyone's correct. He was a great help and really interated with him about getting this product getting through the system worked out so we can get pounds up. It has been frustrating for everyone when we feel like we...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/5/22 1:31 PM

Russell Tidaback Thanks Robert Baumann Hopefully this time around the silicone will create the seal needed. John Spears Thanks for bringing Jim Hoover back to help we all felt very confident that it was done correctly and using the better silicone should help greatly

Mill Group Chat | You, Brian, Don, +8

John Spears 11/5/22 1:26 PM

You bet. Thanks Robert Baumann

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/5/22 1:25 PM

Thanks Robert Baumann Hopefully this time around the silicone will create the seal needed.

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 11/4/22 10:46 PM

Filters all back in built a new gasket for door gonna dig out flour elevator for a good start up Monday. Letting the silicone dry so won't try to start up with two of us here.

**EXHIBIT 3**

Exhibit P-43, Page 233



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/4/22 7:11 PM  
Yes earlier...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 11/4/22 6:49 PM  
Robert Baumann Did Terry call you?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/4/22 4:43 PM  
[Selected photo] Here is his phone number he called in sick today...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 11/4/22 4:03 PM  
Robert Baumann could you please help ensure Justin and Blake have Teams installed on their phones? We need to chat with Justin regarding him not be able to log into his new miner training. We can get you their log in credentials to sign on, if needed.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 11/3/22 10:16 PM  
Palletizer started throwing the motor overheated fault and smelled hot so it's shut off at the box John Spears Terry Newburn Jim Hoover...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/3/22 2:51 PM  
You bet I'm not sure who put their hours in that week but the rest is correct thanks...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 11/3/22 2:49 PM  
This is before they were added so they left with me at 1030...

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 11/3/22 2:46 PM  
Hi Robert Baumann - did Justin and Blake work until midnight on the 19th? Wasn't sure if it was a typo since you and RJ only worked until 10:30pm.[image]

**EXHIBIT 3**

Exhibit P-43, Page 234



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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/2/22 8:46 PM

Robert **Baumann** Well it took fifteen minutes to put it back together the last time and we are at a solid 4 hrs Good point. Do it right the first time so we don't have to waste hours redoing it the second time.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/2/22 8:44 PM

Patrick Lewis So is it working? Or do i need to come back in? Well it took fifteen minutes to put it back together the last time and we are at a solid 4 hrs...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/2/22 8:26 PM

Patrick Lewis I offered to as much assistance as i could. Given it was achievable within my means. And wait we get to vote for stuff??? I wanna vote lol. I need your assistance to mill this shaft down Pat this deal is no bueno. I have the patience but losing real fast...

Mill Group Chat | You, Brian, Don, +8

LB Landry Barnes 11/2/22 2:04 PM

Robert **Baumann** Awesome see if someone can get a pic of the end of the tube mill it looked like a couple of big rocks were impeding the flow Patrick Lewis you know what I'm talking about when you take the little door... I can try to get a look or picture down it.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 11/2/22 2:00 PM

Robert **Baumann** Awesome see if someone can get a pic of the end of the tube mill it looked like a couple of big rocks were impeding the flow Patrick Lewis you know what I'm talking about when you take the little door... Yes I'll take a look at it

Mill Group Chat | You, Brian, Don, +8

JS John Spears 11/2/22 1:56 PM

Robert **Baumann** we'll do that.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 11/2/22 1:55 PM

Awsome see if someone can get a pic of the end of the tube mill it looked like a couple of big rocks were impeding the flow Patrick Lewis you know what I'm talking about when you take the little door off.

**EXHIBIT 3**

Exhibit P-43, Page 235



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Mill Group Chat You, Brian, Don, +8

Robert Baumann 11/2/22 1:47 PM  
How's it looking John Spears...

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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 10/31/22 2:49 PM

John Spears Sarah Giberti Robert **Baumann** Yes, if you look at the production schedule for this week, it is jacked up but it will be addressed by tomorrow evening once we know if we are producing again or pushed back until a later date.

Mill Group Chat | You, Brian, Don, +8



Benjamin Waters 10/30/22 12:17 PM

John Spears, Robert **Baumann** Jim Hoover are we off tomorrow? Or working?

American Tripoli - Administration > Mill - Plant - Group



Russell Tidaback (You) 10/28/22 1:41 PM

Robert **Baumann** I think you are correct. Plus having the 2nd shift off on Friday evening would give maintenance time to do maintenance on any needed repairs before the next weeks production.

ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 10/27/22 11:44 PM

[Selected photo] Ready to go...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/26/22 11:01 PM

Russell Tidaback Robert **Baumann** John Spears There should be a pallet of bags labelled as Osborn Germany, SO-335, 28 bags of DGC, These bags were produced on 9/14/22. Please note production date on bag and remove the... Unlabeled and ready to be in stock

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/26/22 10:15 PM

Patrick Lewis Rob. Check the beeakroom. Their was a caulking gun with a tube in it Got it thanks Patrick Lewis John Spears Russell Tidaback how long should I let it dry before I start up...

Mill Group Chat | You, Brian, Don, +8



Patrick Lewis 10/26/22 9:39 PM

Robert **Baumann** We hadn't been I'm looking for silicone now. Rob. Check the beeakroom. Their was a caulking gun with a tube in it

Customer Service@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 237

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Mill Group Chat You, Brian, Don, +8



Robert **Baumann** 10/26/22 9:18 PM

Russell Tidaback You are siliconing them back in? Robert **Baumann** We hadn't been I'm looking for silicone now.



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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/26/22 9:03 PM

Russell Tidaback They need to o create the seal Do we have some to put back around the ones we put back in. I will go look...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 8:49 PM

Robert Baumann Found 1 with a hole and blew the rest out they were siliconed in removed over half of them putting it back together now You are siliconing them back in? Robert Baumann

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/26/22 8:40 PM

[Selected photo] [Selected photo] Found 1 with a hole and blew the rest out they were siliconed in removed over half of them putting it back together now...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/26/22 6:02 PM

Will do we are pulling all filters out and inspecting them upstairs in cyclone now to find where product is going through...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 5:56 PM

Robert Baumann John Spears There should be a pallet of bags labelled as Osborn Germany, SO-335, 28 bags of DGC, These bags were produced on 9/14/22....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 5:30 PM

John Spears / TerryNewburn / Robert Baumann Please check the socks in the bag house. That should be the only way material is blowing out of the compressor exhaust. If the sock fell, or the clamp came loose... tripoli is getting around the sock.

Russell Tidaback (You)

RB Robert Baumann 10/26/22 4:55 PM

Going to get something done now...

Customerservice@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 239

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Russell Tidaback (You)



Robert Baumann · 10/26/22 4:46 PM

[Selected photo] What could be causing this so bad. Usually it barely spits anything out. Product ran better but still really slow last night and they have had multiple back ups today...



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/26/22 1:16 PM  
Thanks Russell Tidaback John Spears...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/26/22 1:12 PM  
John Spears Robert **Baumann** Please advise Justin, if he wishes to get paid for today and not have to come in tonight (Since he is already up and at work this morning), he needs to check his AmericanTripoli email inbox and complete the MSHA online training courses....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/26/22 7:44 AM  
Robert **Baumann** Packer shaft came apart at lovejoy just put it back to finish order. Jim it's switched to dgr just need a sample when you start up Robert **Baumann** RJ WilliamsPatrick Lewis Landry Barnes Thanks guys!

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/26/22 7:42 AM  
Thanks for getting these weights, Robert **Baumann**!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/26/22 2:33 AM  
[Selected photo] [Selected photo] Packer shaft came apart at lovejoy just put it back to finish order. Jim it's switched to dgr just need a sample when you start up...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 11:09 PM  
We were running good now it's like we are losing vacuum again out the cyclone heard some air leaking from the feeder tank as you call it upstairs. Getting going again now...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 10/25/22 10:28 PM  
Robert **Baumann** how's everything running ?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/25/22 8:30 PM  
80 to 100 Russell Tidaback...

**EXHIBIT 3**

Exhibit P-43, Page 241



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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 10/25/22 8:01 PM

Thank you Carson Allman Terry Newburn for staying hooked and getting us going. I appreciate it Jim Hoover thank you for getting the system running better so far...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 10/25/22 7:52 PM

Sarah Giberti You are welcome! Sorry I meant to mention that earlier. Also dr. Pepper Enjoy it tomorrow we locked out 🙄...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 10/25/22 1:32 PM

Patrick Lewis I can't stay the whole shift but I'll stay and help until about 8 or 9 Thanks Patrick...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 10:33 AM

Anyone wanting to work some OT tonight (4pm-midnight) to help get this order done with Robert Baumann on 2nd shift, OT is approved.

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 10/25/22 1:47 AM

On top my battery went dead. Sorry...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 10/25/22 1:41 AM

Found the key btw...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:21 AM

Robert Baumann Guy's I am headed to the house we will get this figured out and get to producing good again soon. I have faith Robert Baumann I have faith in the team there as well... and we will get this flow problem resolved!

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 10/25/22 1:20 AM

Guy's I am headed to the house we will get this figured out and get to producing good again soon. I have faith...

**EXHIBIT 3**

Exhibit P-43, Page 242



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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:19 AM

Jim Hoover Have good night everyone Have a good night Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:11 AM

I'm double checking doors and will feel again it's probably up there then...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:04 AM

Robert **Baumann** You know how it is... it will end up being some stupid mistake like a bag or something stuck in a pipe blocking the flow.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:03 AM

Russell Tidaback This chart is the closest thing we have to current machines flow... [File: Mill Flow Chart (1).pdf]  
Thank you I will study up on this and sorry I can't be of more help I want to run product...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/25/22 1:03 AM

Robert **Baumann**...Robert **Baumann**...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:01 AM

Been running about 15 mins with everything off...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:01 AM

[Selected photo]

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/25/22 1:01 AM

Jim Hoover can we make sure all levers are correct in morning and I can't find the tool to open the door on compressor but it's reading this now as I'm shutting off...

**EXHIBIT 3**

Exhibit P-43, Page 243






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 Mill Group Chat | You, Brian, Don, +8


 **Robert Baumann** 10/25/22 12:58 AM  
All possible pipes from elevator have product blocking them and dusting bad in scrolls up top...


 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 10/25/22 12:58 AM  
**Robert Baumann** It's like it's not sucking the dust or product to the green machine So flow backwards from the "green machine" what's the next machine in the flow? Is this machine getting material through it?


 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 10/25/22 12:56 AM  
It's like it's not sucking the dust or product to the green machine...


 Mill Group Chat | You, Brian, Don, +8


 **Robert Baumann** 10/25/22 12:45 AM  
2 feet up from the bottom of elevator...


 Mill Group Chat | You, Brian, Don, +8


 **Robert Baumann** 10/25/22 12:45 AM  
[Selected photo]


 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 10/25/22 12:44 AM  
Well it can't be getting any vacuum this pipe is full up to patched parts...

 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 10/25/22 12:42 AM  
[Captured photo] This at the bottom of four elevator Jim Hoover it's solid about 8 ft up is this what's supposed to operate socks...

 Mill Group Chat | You, Brian, Don, +8

 **Robert Baumann** 10/25/22 12:39 AM  
The compressor hasn't kicked out any I'm going to see what the pressure does with everything not running in a few minutes...

**EXHIBIT 3**

Exhibit P-43, Page 244

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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 10/25/22 12:19 AM

Robert **Baumann** Quincy has been at 82 to 85 all night Robert **Baumann** Please take a pic of the contactor that you guys are resetting when the compressor stops.

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:35 PM

Russell Tidaback John Spears let's get the compressor contactor replaced. I'll see what I can find and keep you informed. Quincy has been at 82 to 85 all night...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:28 PM

I wish it was something I was doing wrong 😞. It's frustrating...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:26 PM

Also we are ready for more rock in the morning he is crushing now it was full with rose...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:23 PM

Jim Hoover Make sure the pneumatic air lock on 4 floor is on also Been checking everything often through out the night to make sure...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:16 PM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] So all exhaust pipes from flour elevator to outside are full of product and cyclone still plugging up when you try to feed more than a minute at a time. Amps are reading 80 to a 100 and keeping temp above 260...

Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/24/22 11:05 PM

Got it sent them home early so they can be back...

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Mill Group Chat You, Brian, Don, +8



Russell Tidaback (You) 10/24/22 10:58 PM

IMPORTANT Reminder, mandatory new miners training tomorrow is for any employee that does not have a current MSHA pink card. Robert **Baumann** Please make sure your guys are there. John Spears Make sure all needing the training are present tomorrow. This includes Jessie Hodge and @Catlyn.

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 10/24/22 10:30 PM

Ok the rework is half rose half cream and IDK what happened on the so-379 because it should be not complete on line 45 also unless we moved some to complete...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/24/22 2:17 PM

Robert Baumann Thanks brother... my connection here is slow today so my responses are delayed.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/24/22 2:10 PM

[Selected photo] Russell Tidaback...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 10/23/22 10:07 PM

Jordan Tidaback Hi Robert Baumann, did you mention we have SO-416 finished? It should be 10 bags of DGR on 1 48x40 pallet. I mistakenly sent them OGR and had to have it returned to replace with DGR. Just want to make... Yes it is complete just needs wrapped

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 10/23/22 10:06 PM

Hi Robert Baumann, did you mention we have SO-416 finished? It should be 10 bags of DGR on 1 48x40 pallet. I mistakenly sent them OGR and had to have it returned to replace with DGR. Just want to make sure before I reach out to them.

Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/22/22 11:07 PM

...Robert Baumann Hey did you start pulling out of the little tank last night or were you still pulling out of the big rose tank and how much did you guys end up running last night

ATMO - Company Wide group chat | You, Brian, Don, +4

RB Robert Baumann 10/22/22 12:34 AM

I will pass the information along...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/21/22 11:50 PM

Having Rj getting the rock brought up now and will have everything ready...

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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/21/22 11:23 PM

Slow system has backed up a few times just working thru it. Keeping temp way up but still slow just stopped feeding it to go around and try to get all out of system.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/21/22 11:19 PM

Robert Baumann Everything running good tonight?

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/21/22 7:47 PM

Yes Benjamin Waters not an issue I just don't want to short your hours as I will be putting them in for awhile so if anyone is late or leaves early just lmk please...

American Tripoli - Administration > Mill - Plant - Group

RB Robert Baumann 10/20/22 6:39 PM

Might be beneficial to have 2nd shift start back up Wednesday evening, less system downtime and as far as a prep person I feel we have time within the regular shift to gather supplies...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/19/22 9:59 PM

Getting it out little by little gunna run it in a bulk bag right up to 1030...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 10/19/22 9:42 PM

Negative sir negative 🙄 ...

Russell Tidaback (You)

RB Robert Baumann 10/19/22 7:06 PM

Can you come to top of flour elevator...

ATMO - Operations | You, Don, Gwen, +4

RB Robert Baumann 10/19/22 3:30 PM

R& R transport is here for a pick up he has no numbers...

**EXHIBIT 3**

Exhibit P-43, Page 248

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Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/18/22 9:43 PM

[Selected photo] [Selected photo] [Selected photo] The switches wouldn't shut these off so turned of at boxes. Also burner keeps going out for dryer so they are getting someone to look at it tomorrow. Terry Newburn Jessie Hodge Jim Hoover...



Russell Tidaback (You)



Robert **Baumann** 10/18/22 11:26 AM  
2:30...



Russell Tidaback (You)



Robert **Baumann** 10/18/22 11:22 AM  
Yes...



ATMO - Operations | You, Don, Gwen, +4



Robert **Baumann** 10/18/22 12:45 AM  
[Selected photo] [Selected photo]



Mill Group Chat | You, Brian, Don, +8



Robert **Baumann** 10/18/22 12:44 AM  
John Spears Jessie Hodge Terry Newburn the green monster scroll is not working again noticed about 11 Jim Hoover Carson Allman...



Russell Tidaback (You)



Robert **Baumann** 10/17/22 8:02 PM  
Just wanted to get a little more familiar with it. And make them slowly explain things. We figured we could get more ran stacking and we have to weigh an order also...



Russell Tidaback (You)



Robert **Baumann** 10/17/22 7:59 PM  
They did but we decided to hand stack for tonight cuz they are only 5 high we will use it tomorrow night...



Russell Tidaback (You)



Robert **Baumann** 10/17/22 7:57 PM  
Yes they are we are hand stacking but adjusting our hours to lap day shift to learn the palletizer and then come in for training Thursday day...

**EXHIBIT 3**

Exhibit P-43, Page 249





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Russell Tidaback (You)

**Robert Baumann** 10/17/22 7:55 PM  
Why didn't I ask you about this last week 🤔. It makes sense now Jim was wrong on this one...

Russell Tidaback (You)

**Robert Baumann** 10/17/22 7:51 PM  
Yea we are just barely above 50 it's doing a lot better but the bags are still taking longer than usual to go down...

Russell Tidaback (You)

**Robert Baumann** 10/17/22 7:48 PM  
I'm just hoping to get the 30000 done it's a lot better but still not like it should be in my opinion...

Russell Tidaback (You)

**Robert Baumann** 10/17/22 7:46 PM  
Ok 🙌 will do...

Russell Tidaback (You)

**Robert Baumann** 10/17/22 7:30 PM  
SO-269 ogr...

American Tripoli - Administration > Mill - Plant - Group

**Russell Tidaback (You)** 10/17/22 7:27 PM  
Shift 10-hr production schedule discu... = ...Jim Hoover Patrick Lewis Landry Barnes Benjamin Waters RJ Williams Carson Allman Jessie Hodge Terry Newburn **Robert Baumann** John Spears Jordan Tidaback

**Robert Baumann**

**Russell Tidaback (You)** 10/17/22 7:25 PM  
Whats up **Robert Baumann**. What are you guys running tonight?

Mill Group Chat You, Brian, Don, +8

**Russell Tidaback (You)** 10/17/22 12:39 PM  
As a reminder, John Spears Jim Hoover **Robert Baumann**, when the production team completes an order to post in the group that order SO-xxx is complete. This lets the entire team know and triggers other team members to complete their part of the process.

**EXHIBIT 3**

Exhibit P-43, Page 250



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/15/22 12:25 AM  
That's good Robert **Baumann**.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/15/22 12:25 AM  
I've let it run for 2 hrs and hopefully got the system cleaned out good to I will run it till 1145. And the compressor kicked out a few times I opened the door and put a fan on those resets seemed to help idk.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/15/22 12:13 AM  
Robert **Baumann** set John up for success and get thr tube turned right with the door up and the chute setup. That way he and hopefully the guys are taking all day Sunday to get things done.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/15/22 12:01 AM  
Now I know I should have described it earlier I was going by what John and Jim were telling me. Dang it...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/14/22 11:54 PM  
Will do trying to get this stuff through the system now. Sorry I'm learning this stuff the best I can...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/14/22 11:51 PM  
50...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/14/22 11:49 PM  
Yes usually 100 to 120. The on in office was low and Jim said it was messed up he thought. We put rock in during down time but it was the small square...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/14/22 11:47 PM  
Gauge in basement is at around 80...

**EXHIBIT 3**

Exhibit P-43, Page 251



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ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/14/22 11:37 PM  
Yes set up for AF getting a little more product than usual in the return scroll from classifier also...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/14/22 11:31 PM  
Yes everything appears to be doing what it's supposed to but the classifier is dusting a lil more than usual...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/14/22 11:28 PM  
Yes sir...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 10/14/22 11:26 PM  
There has got to be a problem somewhere in the system. I can't feed rock for more than a couple minutes at a time then takes thirty minutes to get the bags down I've walked over and over everything is running.

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 10/14/22 6:40 PM  
Jordan Tidaback Jim Hoover Did we get samples to run the Cilas reports today? I pulled a c-15 last night and just pulled the AFC for today...

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 10/14/22 10:57 AM  
Fyi order SO285 B is now in the garage bulk bag order. Ty 😊

Mill Group Chat | You, Brian, Don, +8

**Robert Baumann** 10/14/22 1:05 AM  
The compressor kicked out twice about 11 reset the first time couldn't get it to reset the second time John Spears Terry Newburn Carson Allman...

Russell Tidaback (You)

**Robert Baumann** 10/13/22 10:51 PM  
Can you add a 75 pound option for my daily production too plz...

**EXHIBIT 3**

Exhibit P-43, Page 252





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 Russell Tidaback (You)


 Robert **Baumann** 10/13/22 9:55 PM


Idk we are running SO-336 they had two bags when we got here. I don't think they ran anything else today...

 Russell Tidaback (You)


 Robert **Baumann** 10/13/22 9:21 PM


I was planning on running til 9:30 before I clean out so we should have a few extra but I'm leaving it set up for c-15...

 Russell Tidaback (You)


 Robert **Baumann** 10/13/22 9:19 PM


The tags John gave me say Reptic for 28 bags...

 Russell Tidaback (You)


 Robert **Baumann** 10/13/22 9:16 PM


Temperature is a lot more consistent btw 🙌 ...

 Russell Tidaback (You)


 Robert **Baumann** 10/13/22 9:15 PM


Yes we are running the C-15. So it's a slow go we should finish up in an about an hour or so and gunna move some orders to the shop. Terry got the forklift training first part so getting these guys training on driving them...

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 10/13/22 12:54 AM


Thanks Robert **Baumann** Have a good night.

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 10/13/22 12:54 AM

Found and labeled will move tomorrow...

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 10/13/22 12:18 AM

I will go and relabel these to verify on hand quantity now...

**EXHIBIT 3**

Exhibit P-43, Page 253



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/13/22 12:12 AM

Robert **Baumann** SO-285B... 7 last night, 7 tonight is 14. We have 12 on-hand/stock. Lets mark 6 from on-hand/stock as SO-285B and complete SO-285B.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/12/22 11:44 PM

Thanks Terry Newburn and Carson for trying to get us going tonight...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/12/22 11:42 PM

Thanks Robert **Baumann** Terry Newburn This little stuff is killing us!!!

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/12/22 11:39 PM

[Selected photo] [Selected photo] The compression nut was cracked on the burner feed tube. Will have to get a compression fitting in the morning before start up. The gas is off at both shut offs John Spears...

Russell Tidaback (You)

RB Robert **Baumann** 10/12/22 11:24 PM

Terry...

Russell Tidaback (You)

RB Robert **Baumann** 10/12/22 11:22 PM

[Selected photo] [Selected photo]

Russell Tidaback (You)

RB Robert **Baumann** 10/12/22 11:22 PM

We are getting as much ready as possible...

Russell Tidaback (You)

RB Robert **Baumann** 10/12/22 11:22 PM

They got here about 915 but going to have to get some compression fittings in the morning the nut was cracked...

**EXHIBIT 3**

Exhibit P-43, Page 254

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Russell Tidaback (You)



Robert Baumann 10/12/22 10:32 PM

No problem stuff happens I got the burner off and shut the gas off. I tightened it but it's still leaking it's better tho. But it leaking any by the burner is dangerous...



Russell Tidaback (You)



Robert Baumann 10/12/22 10:27 PM

No body yet I'm gunna have the guys finish cleaning up and let them go at 11 it's gunna be to late to start back up running product pretty soon...



Russell Tidaback (You)



Robert Baumann 10/12/22 10:09 PM

Haven't seen anyone yet we are on 3rd floor sweeping let me go see...



Russell Tidaback (You)



Robert Baumann 10/12/22 9:33 PM

Yes they did and seem pretty decent have had them learning bulk bags and putting rework back in...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 10/12/22 8:50 PM

[Selected photo] [Selected photo] John Spears call me please...



Russell Tidaback (You)



Robert Baumann 10/12/22 8:45 PM

Yes will do...



Russell Tidaback (You)



Robert Baumann 10/12/22 8:42 PM

[Selected photo] [Selected photo] Found a pretty decent leak. I am producing but extremely slowly I am fixing to let it clean out and see if I can tighten this...



Russell Tidaback (You)



Robert Baumann 10/12/22 8:30 PM

[Selected photo] [Selected photo] Doesn't have any fans didn't feel hot but I left it open with the ac...

**EXHIBIT 3**

Exhibit P-43, Page 255

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	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 10/12/22 7:47 PM [Selected photo] [Selected photo] [Selected photo]
	ATMO - Mill Mgmt   You, Don, John, +2
	Russell Tidaback (You) 10/12/22 7:26 PM Robert <b>Baumann</b> Please take a pic of the digital panel on the burner (between the tube mill and the burner)
	ATMO - Mill Mgmt   You, Don, John, +2
	Russell Tidaback (You) 10/11/22 11:23 PM Thanks Jessie Hodge & Robert <b>Baumann</b>
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 10/11/22 11:21 PM I'm cleaning the system out now had some cold product hung up...
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 10/11/22 11:21 PM [Selected photo] [Selected photo] This could be part of the problem and when the gas valve got changed there might be something in the line that's causing it. Maintenance is going to further check it out tomorrow...
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 10/11/22 11:11 PM Jessie...
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 10/11/22 10:56 PM We are working on it trying to figure out why the temp is not where it should be. Could there be something restricting the gas flow in line and there is a lot of insulation missing from the dryer also...
	ATMO - Mill Mgmt   You, Don, John, +2
	Russell Tidaback (You) 10/11/22 10:44 PM Robert <b>Baumann</b> status update?

**EXHIBIT 3**

Exhibit P-43, Page 256






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 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 10/11/22 9:10 PM


It was on idle once and the second time luckily I caught it the product temp got to 155 I'm checking everything out I know to check...

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 10/11/22 8:59 PM


The end of the tube mill which hints the rock is to cold but the temp is reading 180 but the burner kicked off twice now and was hard to restart and it never temped out to cause it to go out...

 ATMO - Mill Mgmt | You, Don, John, +2

 John Spears 10/11/22 8:57 PM


Robert **Baumann** where is that dust coming from?

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 10/11/22 8:55 PM


I've stopped running so I won't plug the tube mill...

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 10/11/22 8:54 PM


[Selected photo]

 ATMO - Mill Mgmt | You, Don, John, +2

 Robert **Baumann** 10/11/22 8:54 PM


Something is going on with the burner and the rock temp I can't get it lined out I've called Jim and there is something for sure wrong somewhere but he wasn't sure what it could be...

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 10/11/22 8:12 PM

Robert **Baumann** John Spears Jordan Tidaback On the Daily Production spreadsheet, regarding excess over-runs/Inventory/etc.....

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 10/11/22 7:15 PM

Robert **Baumann** just an FYI... John has hired on two people (John Campbell & Blake Leaf) to join your team. Both start tomorrow evening....

**EXHIBIT 3**

Exhibit P-43, Page 257



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ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/11/22 5:59 PM  
[Selected photo]

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/11/22 5:59 PM  
Russell Tidaback why won't it let me put in DGC in the grade column...

ATMO - Operations | You, Don, Gwen, +4

Jordan Tidaback 10/11/22 9:55 AM  
Thank you very much, Robert **Baumann**!!

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 10/11/22 12:24 AM  
Thanks Robert **Baumann**

ATMO - Operations | You, Don, Gwen, +4

Robert **Baumann** 10/11/22 12:23 AM  
[Selected photo] Sarah Giberti Jordan Tidaback...

Mill Group Chat | You, Brian, Don, +8

Benjamin Waters 10/10/22 7:32 PM  
Robert **Baumann** I haven't learned that yet sorry. Robert B I can show you sometime this week if you like, it's pretty simple, I was trained a couple of weeks ago. I'll walk you through each step, I can't login to the computer but I'm certain your able to. Offers on the table.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/10/22 7:28 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] In my walk through I noticed that the bearing is still out on the scroll and the lil Mac is running on one belt Jessie Hodge John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 10/10/22 7:25 PM  
I haven't learned that yet sorry.

**EXHIBIT 3**

Exhibit P-43, Page 258



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Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/10/22 6:57 PM

Jordan Tidaback John Spears one last thing and I'll leave you alone for the day 😊 You mentioned SO-438 was done. We shipped out 2 cream bulk bags for them on 5-OCT. The next part of this order is 15 OGR bulk bags. ... We have 2 extra DGC bulk bags...

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/10/22 6:55 PM

Robert **Baumann** You want the individual weight of each pallet on the tags ? We don't necessarily need it on the tags, unless you want to. We just need a list of each pallet's weight. Like this....[image]

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/10/22 6:52 PM

Jordan Tidaback Could you also have someone give Sarah the weights as soon as they are done being weighed? We have some paperwork that has to be filled out for shipping. Thank you 😊 You want the individual weight of each pallet on the tags ?

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/10/22 10:18 AM

...Sarah Giberti do you have the weights for SO-356? If not, Robert **Baumann** or Will Shallenburger can we weigh these? We need the bags with pallet weights for export paperwork....

Mill Group Chat | You, Brian, Don, +8

JS John Spears 10/7/22 9:10 AM

Patrick had it in his pocket. He gave it to me when I took him home. Thanks Robert **Baumann**

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/6/22 10:09 PM

[Selected photo] John Spears we also need a few more labels for SO- 371-B for the outside of 2 pallets.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/6/22 10:05 PM

If someone accidentally has the key for the pallet warehouse we can't find it.

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/6/22 5:23 PM

Jordan Tidaback Yes sir that's correct Ok we will restack it also thanks...

**EXHIBIT 3**

Exhibit P-43, Page 259





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Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/6/22 5:14 PM  
[Captured photo]

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 10/6/22 5:14 PM  
To confirm does this order need to be on a ht pallet SO-354 Jordan Tidaback Russell Tidaback...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/4/22 9:27 PM  
Yes checked all tanks didn't see any valves messed with cuz that was my first thought too. Might get the tech on the phone just to make sure settings are correct.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/4/22 9:21 PM  
Right around 170 I personally don't think that's the problem...

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 10/4/22 9:20 PM  
Robert **Baumann** thanks. That's what I was wondering. What was the temperature?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/4/22 9:18 PM  
[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 10/4/22 9:18 PM  
John Spears it made no difference with or without canisters. They appear fine not dirty or anything and pressure read the same...

Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 10/4/22 8:32 AM  
Jordan Tidaback Sarah Giberti do you have the weights for SO-356? If not, Robert **Baumann** or Will Shallenburger can we weigh these? We need the bags with pallet weights for export paperwork. I can get it first thing tomorrow.

**EXHIBIT 3**

Exhibit P-43, Page 260

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Mill Group Chat You, Brian, Don, +8

Jordan Tidaback 10/3/22 7:26 PM

Sarah Giberti do you have the weights for SQ-356? If not, Robert **Baumann** or Will Shallenburger can we weigh these? We need the bags with pallet weights for export paperwork.



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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 10/2/22 7:40 AM

Robert **Baumann** Dont forget to put the SO-xxx with the pics just in case the number cannot be read in the pics.  
😊

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 10/1/22 10:44 AM

Robert **Baumann** great! Thanks.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/30/22 11:26 PM

Got the rest of the filters put together and put in the green monster just have to put the last bar back in John Spears...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/30/22 7:06 PM

[Selected photo] [Selected photo] [Selected photo]

Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 9/30/22 4:40 PM

Russell Tidaback No worries. 2nd shift is there until midnight. I will get with Robert **Baumann** when he gets here. All paperwork is in the control room, so he'll have everything he needs.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/30/22 12:06 AM

Robert **Baumann** John Spears we got the plug in fixed in the shop it wasn't working. I will let it charge and check the genie out before we leave John it is working I tried it out must not have been charging because of the outlet not working it seems to be good to go now.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/29/22 7:54 PM

It showed it taking a charge...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/29/22 7:53 PM

[Selected photo] [Selected photo]

**EXHIBIT 3**

Exhibit P-43, Page 262

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/29/22 7:53 PM

John Spears we got the plug in fixed in the shop it wasn't working. I will let it charge and check the genie out before we leave...

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/29/22 5:17 PM

Robert Baumann thanks for reminding me. I'll call for an appointment tomorrow.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/29/22 5:15 PM

John Spears do we know when the dumpster is going to get dumped...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 9/29/22 3:44 PM

Jim Hoover how long do we want it I had some fittings at home gunna try to make us one tonight...

ATMO - Operations | You, Don, Gwen, +4

Russell Tidaback (You) 9/28/22 9:54 AM

...Will Shallenburger Robert Baumann It is crucial that you get a sample of all grades of material you run during your shift. The sample bottles are in the lab/maintenance room. Make sure to use the grease pencil on the CILAS computer desk to write the Grade and Date of sample....

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/27/22 11:48 PM

[Selected photo] [Selected photo] [Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/27/22 11:48 PM

Appears someone may have hit the roll up door on cardboard warehouse plz have a look in daylight. It was a bear to get down...

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/27/22 9:41 AM

Robert Baumann thank you.

**EXHIBIT 3**

Exhibit P-43, Page 263




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 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/26/22 10:26 PM

John Spears I'm going to get the lid on tube mill ready for you to look at before we leave will put all nuts and washers in a bucket and leave the ladder there for you...

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/22/22 11:35 PM


John Spears Will Shallenburger just a heads up we had a creeper hanging around the building tonight the police came did a walk thru with us and said he matches the description of a person of interest they are looking for. He was a white guy 6.4 tall big build and his footprint is huge. We will be locking and checking...

 ATMO - Mill Mgmt | You, Don, John, +2


 Robert **Baumann** 9/22/22 10:25 PM

Can you give me a call Russell Tidaback...

 Mill Group Chat | You, Brian, Don, +8


 Russell Tidaback (You) 9/22/22 8:43 PM


Robert **Baumann**...

 Mill Group Chat | You, Brian, Don, +8


 Robert **Baumann** 9/22/22 7:41 PM


Benjamin Waters The eight hours that you mentioned you were seeing should be the eight hours that I was missing from August 22 still leaves the issue of where's my holiday pay It shows you with 60 hrs total counting your holiday pay. Get with Will Shallenburger tomorrow he can show you...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 9/22/22 7:30 PM

Benjamin Waters So it's all due respect just because you can see my hours does not mean that you are aware of the situation going on Just trying to help...

 Mill Group Chat | You, Brian, Don, +8

 Robert **Baumann** 9/22/22 7:28 PM

Benjamin Waters Are you responsible for putting in my timers my shift supervisor responsible for putting in my time Will is but I can look at your hours...

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 264

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Mill Group Chat You, Brian, Don, +8



Robert Baumann 9/22/22 7:28 PM

Josh I will look at yours when I go back upstairs...



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Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/22/22 7:27 PM

Benjamin Waters Additional eight hours was being shorted from Monday on August 22 No I went and looked including your 8 holiday pay your at 60 hrs...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/22/22 7:25 PM

Benjamin Waters This is the second holiday that I have not been paid for the first holiday was the 4 th of July . Is there a way to see our daily hours that we are paid for during each pay period ? I k ow that information... Your total hours have the 8 hrs of holiday pay you're showing not working on the 7th or 8th and...

ATMO - Mill Mgmt | You, Don, John, +2

Robert Baumann 9/22/22 6:18 PM

[Selected photo] Toyota tire was low looks like it might have a cut in the sidewall John Spears...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 7:18 PM

121 inches long and 5 inches round...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 7:02 PM

[Captured photo] [Captured photo] Might see if they carry the ones we need a lot of these are dry rotted. I will get a measurement for you...

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 7:00 PM

Yes Jim is correct I measured it...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 9/20/22 6:48 PM

Robert Baumann Is there a label on the box so we can order more of these?

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 9/20/22 6:46 PM

We have 24 of the long ones in the oil room I will let you go through the worst ones to see which ones to replace...

**EXHIBIT 3**

Exhibit P-43, Page 266

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Mill Group Chat | You, Brian, Don, +8

JS John Spears 9/20/22 6:17 PM

Robert **Baumann** sometime tonight could you look in the "oil room" to see if there are spare socks for the green monster. I saw a note from a few months back that some spares were in that room.

ATMO - Operations | You, Don, Gwen, +4

RB Robert **Baumann** 9/19/22 7:23 PM

Robert **Baumann** I'm counting 140 bags for the B order and 220 bags for the C order Not finding anything for the A order

ATMO - Operations | You, Don, Gwen, +4

RB Robert **Baumann** 9/19/22 7:22 PM

Jordan Tidaback Will Shallenburger John Spears just want to confirm SO-371 is done before we schedule pick up, as it doesn't match what is in the Daily Production Report (last picture). I'm counting 140 bags for the B order and 220 bags for the C order...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/16/22 5:51 PM

No Jordan Tidaback I need to come in at let Will show me how. I will find product from that day and have it ready...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/15/22 9:56 PM

[Selected photo] Got the scroll auger put back together had problem with bed dryer coming on started to feed product through the system and dusting out terrible again so gunna shut it back down after the clean out...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/15/22 6:59 PM

[Selected photo] [Selected photo] It also appears there are only 3 of these actuators functioning correctly on the lil mac...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/15/22 6:57 PM

[Selected photo] [Selected photo] Bolt is sheared of on long scroll to flour elevator. Gunna try to repair. John Spears...

**EXHIBIT 3**

Exhibit P-43, Page 267



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ATMO - Mill Mgmt You, Don, John, +2



Russell Tidaback (You) 9/15/22 8:44 AM

Robert **Baumann** Account isn't locked, I just checked. It does show there was a failed logon attempt at 10:50 PM last night. Try again today.

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/15/22 12:43 AM

Dust just kept getting worse thru out the nite too...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/15/22 12:42 AM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/15/22 12:41 AM

Also won't let me in production so here the inputs...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/15/22 12:41 AM

[Selected photo] [Selected photo] [Selected photo] [Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/15/22 12:40 AM

So we ran slow letting it run thru and done an hour n a half clean out this is the lil Mac filters...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/14/22 6:38 PM

900 # bulk bags just keeping a close watch on stacks.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/14/22 6:35 PM

Russell Tidaback Hi Robert Baumann So Forty 50# bags for SO-375 is ready to ship, just needs labels and shipping paperwork, correct? Yes sir 40 bags of afc on small ht pallet

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/14/22 6:34 PM

Robert Baumann It's back here but we need labels ran for them Hi Robert Baumann So Forty 50# bags for SO-375 is ready to ship, just needs labels and shipping paperwork, correct?

**EXHIBIT 3**

Exhibit P-43, Page 269

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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/14/22 5:51 PM  
It's back here but we need labels ran for them...

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/14/22 5:47 PM  
Jordan Tidaback Hi Robert **Baumann** (or Will Shallenburger if you're still there 😊), could you confirm we have have SO-375 ready? On the daily production schedule for 8/31, there is a note to assign 40 of the 50 bags to... I will go verify.

ATMO - Mill Mgmt | You, Don, John, +2

Jordan Tidaback 9/14/22 5:42 PM  
Hi Robert **Baumann** (or Will Shallenburger if you're still there 😊), could you confirm we have have SO-375 ready? On the daily production schedule for 8/31, there is a note to assign 40 of the 50 bags to this order....

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/14/22 4:18 PM  
[Selected photo] Robert **Baumann** when entering these in, please make sure these don't exceed the order quantity. This will help us keep an accurate count of what has been ran. Thank you

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/14/22 9:00 AM  
Robert **Baumann** Will Shallenburger we ran out of labels for the skid on the pallet wrapper got the others wrapped Thanks for the heads up.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/14/22 8:58 AM  
Will Shallenburger we ran out of labels for the skid on the pallet wrapper got the others wrapped...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/13/22 9:33 PM  
So tried to fire up and am fogging out badly doesn't help that they are having activities down the road tonight so lots of traffic so I'm pulling the plug already have an audience. We will finish wrapping pallets and shut things up sorry...

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**EXHIBIT 3**

Exhibit P-43, Page 270

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


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 Mill Group Chat You, Brian, Doni, +8

 Robert **Baumann** 9/13/22 8:24 PM

No I didn't everything else laying up there looked like it had been sitting outside in the weather, But I will check.



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 9/13/22 8:21 PM

[Selected photo] Jim Hoover were these what we were discussing needing put back on btw...

Mill Group Chat | You, Brian, Don, +8

Jessie Hodge 9/13/22 8:16 PM

Robert **Baumann** Image Jessie Hodge can we get this ladder welded plz sir Yes I will get it first thing in the morning. Thanks for the heads up

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 9/13/22 8:15 PM

[Selected photo] Jessie Hodge can we get this ladder welded plz sir...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 11:58 PM

Thanks Robert **Baumann**

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 11:57 PM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 11:57 PM

Yes sir it clouded up terrible for about 30 mins but clearing up quite a bit now...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 11:55 PM

It started out absolutely horrible but finally doesn't look to bad, Jessie told me to just let it run as long as possible to get the crap cleaned out of the whole system so that's what I'm doing for as long as possible...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 9/12/22 10:26 PM

Got it fixed puting it back together and firing up to see how it looks in a minute...

**EXHIBIT 3**

Exhibit P-43, Page 272



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/12/22 8:38 PM  
Will do...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 8:37 PM  
Robert Baumann Keep us posted with pics please.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/12/22 8:33 PM  
Yes and I will see if we have bolts and nuts then go from there...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/12/22 8:31 PM  
Three...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 8:25 PM  
Robert Baumann What was the lids being screwed on by? Just a bolt and nut?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/12/22 8:24 PM  
Yes Rj and I were cleaning til I find out what's up...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 8:21 PM  
Robert Baumann are you going to assist Jessie?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 9/12/22 8:01 PM  
[Captured photo] I thought Jessie was aware of this sorry...

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**EXHIBIT 3**

Exhibit P-43, Page 273



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 7:59 PM

Robert **Baumann** The studs were cross threaded when we tried to pull them last week Robert **Baumann** Did you message Jessie Hodge about this?

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 7:58 PM

I just called him and he is coming in to get these fixed so possibly you guys can run something tonight. Robert **Baumann**

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/12/22 7:56 PM

The studs were cross threaded when we tried to pull them last week...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/12/22 7:54 PM

The lil Mac they pulled all the filters and broke a couple studs that holds the lids on then I broke one putting one back on tried rigging them up so we can run but they won't work.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/12/22 7:49 PM

Fill me Robert **Baumann** I dont know what you are referencing.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/12/22 7:48 PM

Russell Tidaback John Spears this is a no go without getting these studs replaced the lids won't stay on and it's dusting worse than it was when I tried to run...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/11/22 8:01 AM

Dang it sorry. I will look closer from now on...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/9/22 10:15 PM

[Captured photo] These bulk bag orders are now in the shop and dump truck keys are on the nail in control room...

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Exhibit P-43, Page 274

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ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/8/22 11:44 PM

It eats up a lot of time for sure. The Toyota fork truck literally just quit in the middle of the Isle just now also it won't even light up with key we ran what we could but will have to transfer a lot of this order to the shop for room...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 11:25 PM

Thanks Robert **Baumann**. We are going to get a better seal process for that thing. It is ridiculous to have to waste you and RJs time searching for insulation just to seal the tube mill door.

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/8/22 10:18 PM

Completely took it off found some long piece's of insulation and it's good to go Jim Hoover John Spears Will Shallenburger Russell . It's 🔥 up on that tube mill...

ATMO - Mill Mgmt | You, Don, John, +2

**Robert Baumann** 9/8/22 8:47 PM

It lasted about 10 minutes I found some more insulation on 4th floor so gunna try again and get a few more washers...

ATMO - Mill Mgmt | You, Don, John, +2

**John Spears** 9/8/22 8:40 PM

7:30 am for Mr. Jim is fine. Robert **Baumann** were you able to stop the leak?

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:39 PM

Robert **Baumann**...Robert **Baumann** WHAT??? You mean an actual torque sequence to ensure things dont get warped when tightening?...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:35 PM

Jim Hoover I will be TOBY 🍷 tmrw boss for cup 🍷 of 🍷 Boss Robert **Baumann** You're the man... [image]

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**EXHIBIT 3**

Exhibit P-43, Page 275



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ATMO - Mill Mgmt You, Don, John, +2



Robert **Baumann** 9/8/22 8:33 PM

I loosened bolts and shoved more insulation and tightened back up gunna give it a try looks like lid is warped like bolts on one side were tighten at once instead of corner to corner...



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:18 PM

Robert **Baumann** Sorry we kind of ignored your message... did you find something to fix this leak?

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 9/8/22 7:42 PM

Robert **Baumann** Jim Hoover is the huge ratchet for tube mill lid in shop we have product pouring out gunna have to shut down to fix. I'm not seeing it This why we requested insulation to keep this from happening, Jim and I watched the for awhile to make sure no product was coming out.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/8/22 7:32 PM

Jim Hoover is the huge ratchet for tube mill lid in shop we have product pouring out gunna have to shut down to fix. I'm not seeing it...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/8/22 7:16 PM

They are properly placed on pallet...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 9/7/22 5:41 PM

Robert **Baumann** we should have the blower put together in time for you and RJ to run production tomorrow night. Please let RJ know.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/7/22 4:02 PM

Robert **Baumann** Unfortunately not tonight. John Spears I would expect tomorrow night to run, probably not 1st shift though since UPS overnight delivery will probably occur around noon and then finishing up the repair in the afternoon timeframe.

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/7/22 3:05 PM

Robert **Baumann** thanks.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/7/22 3:04 PM

John Spears Ok I will message RJ...

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Exhibit P-43, Page 277

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ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/7/22 2:53 PM

Robert **Baumann** no work tonight. Parts will be here tomorrow. Only if Mr. Russell says different.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 9/7/22 2:50 PM

Are I and Rj supposed to come in today John Spears...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 9/7/22 8:02 AM

Jessie Hodge Robert **Baumann** Fantastic!

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:07 PM

Pulley is in control room John Spears...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:03 PM

The keyway and all tools in bucket inside door...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:02 PM

Thanks Jessie Hodge...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:02 PM

Got it put back and shaft level. Just needs pulley and belts...

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 9/6/22 11:01 PM

[Selected photo] [Selected photo] [Selected photo]

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Exhibit P-43, Page 278



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	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 9/6/22 8:53 PM [Selected photo]
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 9/6/22 8:49 PM Will need to replace pulley prob a electric motor place in Joplin best bet...
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 9/6/22 8:48 PM [Selected photo]
	ATMO - Mill Mgmt   You, Don, John, +2
	Robert <b>Baumann</b> 9/6/22 8:48 PM John Spears Jessie has been here we are assisting him got pulley and shaft out seeing about getting as much done as we can...
	ATMO - Mill Mgmt   You, Don, John, +2
	Will Shallenburger 9/6/22 4:16 PM Just looking out for Robert <b>Baumann</b> driving all the way here, if he doesn't have to.
	Russell Tidaback (You)
	Robert <b>Baumann</b> 9/3/22 1:36 AM I will make sure next week I'm heading home we crushed that nightmare cream over half the nite so didn't get much ran have a good weekend...
	Russell Tidaback (You)
	Robert <b>Baumann</b> 9/3/22 1:29 AM It just keeps going to check internet connection no matter what I do does it update or something at around 11.. Rj is pretty smart on them and he thinks it just losing Internet connection...
	Russell Tidaback (You)
	Robert <b>Baumann</b> 9/3/22 1:23 AM [Selected photo] [Selected photo]

**EXHIBIT 3**

Exhibit P-43, Page 279

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Russell Tidaback (You)



Robert Baumann 9/3/22 1:21 AM

Computer has been completely offline since 11:30 I will send report in the morning can't get our hours logged or numbers put in...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 9/2/22 6:44 PM

John put trash bags on them on his way out...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 9/2/22 6:40 PM

Will Shallenburger John Spears I sent this message after I left. You stated that you were going to get the bags to put on. I sent that message as reminder. Robert Baumann will you get a couple of trash bags put on the new... Do we have trash bags over or here can I stretch wrap these



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 9/2/22 6:39 PM

Jordan Tidaback Hi Robert Baumann - could you please check to make sure we have: 4 Bulk Bags for Order # 14520/SO-294 of DGC 7 Bulk Bags for Order # SO-346 of DGR Yes Jordan Tidaback we have these orders ready



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 9/2/22 6:27 PM

...John Spears I sent this message after I left. You stated that you were going to get the bags to put on. I sent that message as reminder. Robert Baumann will you get a couple of trash bags put on the new scroll motors. Thank you



ATMO - Mill Mgmt | You, Don, John, +2



Jordan Tidaback 9/2/22 6:06 PM

Hi Robert Baumann - could you please check to make sure we have: 4 Bulk Bags for Order # 14520/SO-294 of DGC 7 Bulk Bags for Order # SO-346 of DGR



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 9/2/22 1:13 AM

Wow... yep, thanks Robert Baumann!

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**EXHIBIT 3**

Exhibit P-43, Page 280



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ATMD - Mill Mgmt - You, Don, John, +2

Robert **Baumann** 9/2/22 12:22 AM

[Selected photo] [Selected photo] [Selected photo] [Selected photo] This one blew out and a few others are bent on the ends some appeared to be in wrong will have them all out and put down to be blown out...



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Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 9/1/22 5:39 PM  
And masks...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/31/22 11:00 PM  
Took covers off of hammer mill and dug stuff and looked for problem's Jim Hoover thank you so much for the instructions over the phone. Jim said he would look everything over in the morning. We are crushing about 2 loads of cream now...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/31/22 7:36 PM  
We are down hammer mill at end of pick belt stopped...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/31/22 7:15 PM  
Will Shallenburger Robert **Baumann** if you would grab a sample of OGC once you start running, thank you. We are already switched to dgc sorry

ATMO - Mill Mgmt | You, Don, John, +2

Will Shallenburger 8/31/22 6:58 PM  
Robert **Baumann** if you would grab a sample of OGC once you start running, thank you.

Russell Tidaback (You)

Robert **Baumann** 8/31/22 1:31 AM  
Yes I went to fix the times and it went offline thank you sir.

Russell Tidaback (You)

Robert **Baumann** 8/31/22 1:30 AM  
We did 1 ogc for stock and got 5 done on the b order...

Russell Tidaback (You)

Robert **Baumann** 8/31/22 1:27 AM  
Good deal 🙌 ...

**EXHIBIT 3**

Exhibit P-43, Page 282



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Russell Tidaback (You)



Robert Baumann 8/31/22 1:26 AM

Yep I did twice just kept saying to check internet connection but I think I got them in if they took...



Russell Tidaback (You)



Robert Baumann 8/31/22 1:23 AM

Said no internet connection...



Russell Tidaback (You)



Robert Baumann 8/31/22 1:23 AM

[Selected photo]



Russell Tidaback (You)



Robert Baumann 8/31/22 1:22 AM

Did my numbers get in it went offline about 11:30...



Russell Tidaback (You)



Robert Baumann 8/31/22 1:20 AM

Yes he is going to work for his brother so gunna have to get someone else...



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/30/22 7:23 PM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/30/22 7:21 PM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/30/22 7:21 PM

We need to see about getting a motor starter for cream delivery belt please it keeps kicking off again...

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**EXHIBIT 3**

Exhibit P-43, Page 283





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Russell Tidaback (You)



Robert Baumann 8/30/22 7:19 PM

Yes he is supposed to stop in tonight and lmk.



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 8/30/22 5:25 PM

I spoke with Robert Baumann and RJ, we have a designated staging area for 2nd shift. This will help prevent orders ending up in more than one place. Having the whole order in one place, makes loading a truck a lot easier. I will also be verifying what was ran to help keep inventory straight.



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/29/22 10:17 PM

[Selected photo]



ATMO - Mill Mgmt | You, Don, John, +2



Robert Baumann 8/29/22 10:17 PM

Got all rose crushed and cleaned out switched pipe to cream tank earlier and the handle broke off pipe needs welded on.



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 8/29/22 6:14 PM

Robert Baumann and RJ are assisting Jesse, if he needs help.



ATMO - Mill Mgmt | You, Don, John, +2



Will Shallenburger 8/29/22 5:18 PM

Robert Baumann the rose all needs o be cleaned off the crusher dump area. A load of cream is to be dumped first thing in the morning.



Russell Tidaback (You)



Robert Baumann 8/28/22 1:26 PM

Sorry I had it typed out for teams and evidently didn't post...



Russell Tidaback (You)



Robert Baumann 8/28/22 12:59 PM

We transferred orders so 283 to shop 40 bags. Got other orders grouped together and moved stuff in the shop around. No product was ran.

**EXHIBIT 3**

Exhibit P-43, Page 284



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Robert Baumann



Russell Tidaback (You) 8/28/22 11:31 AM

Robert **Baumann** Did you guys run Firday night (8/26/2022)?



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/26/22 6:01 PM

Jessie Hodge is the dock plate good to use we are going to transfer bulk bags...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 10:29 PM

Thanks Robert **Baumann**...



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/25/22 10:24 PM

Ok to my counting for the A order there is 268 ogc. 212 ogr. For the B order I'm counting 280 ogc. Then there are 3 pallets 5 high with no tags but are with the A order...



ATMO - Mill Mgmt | You, Don, John, +2



Robert **Baumann** 8/25/22 9:43 PM

Yes I will look I've got another rework back I'm taking down then will count...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 9:34 PM

Hey Robert **Baumann** Can you look into this for me?...



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 8:57 PM

Robert **Baumann** FYI... found a mistake on the schedule, SO-285 is for 80k lbs, not the 40k as currently listed. I am adjusting it and moving it.



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 8/25/22 8:06 PM

Robert **Baumann** You guys are working on SO-285 (3 left) then 14501-A tonight?

**EXHIBIT 3**

Exhibit P-43, Page 285



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ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 8/25/22 6:15 PM  
Robert **Baumann** Looks great!

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/25/22 6:14 PM  
[Selected photo] [Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/25/22 5:02 PM  
Thanks for your help Bonnie BainterRobert **Baumann** and John Spears. Please ensure Rob is informed of filling out the BOL correctly. If it is picked up after hours, Rob just take a pic of the BOL and post it here so I can email the customer. We produced this order 17JUL... theyve been waiting ever since. its crazy

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/25/22 4:26 PM  
We can load it...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/25/22 10:22 AM  
Yes can you call me at around 3 about it...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/25/22 10:02 AM  
Robert **Baumann** Question for you. Working with Miguel. Do you want me to inquire with him if he would like to come back as a Mill Associate instead of Maintenance and help on 2nd shift with production?...

ATMO - Company Wide group chat | You, Brian, Don, +4

RB Robert **Baumann** 8/25/22 8:23 AM  
[Selected photo]

ATMO - Company Wide group chat | You, Brian, Don, +4

RB Robert **Baumann** 8/25/22 8:23 AM  
Some of those filters are still fine new from the last time if we can blow them out again and tape up the boxes for spares...

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Exhibit P-43, Page 286



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 11:54 PM

Will do I couldn't find a tripped breaker and following electric lines now...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 11:51 PM

Those have to be perfect to go on right. Motor still not turning. I'm gunna check what I can and we are gunna clean for a bit huge mess. Jessie Hodge Jim Hoover see if you guys can see the problem...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 9:47 PM

These lids are making me feel dumb. I will update you in a bit...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 9:42 PM

It didn't have hardly any thing in it when we changed them before about 6 weeks ago something can't be right. We just got it scooped out and trying to get lids on do you know a trick to that...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 9:38 PM

They were changing filters in the Donaldson when we got here it was completely plugged up.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/24/22 9:35 PM

Robert Baumann Where is this? What happened?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 9:33 PM

Absolutely just packed in all the way down...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 8/24/22 9:33 PM

[Selected photo]

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Exhibit P-43, Page 287



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ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/24/22 9:33 PM

We are trying to get it back together but won't be able to start up make sure they check it all out when starting.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/24/22 9:26 PM

I don't know I'm hoping we only got 2 lids on they are not fun it took me 30 mins on it while Rj was scooping product out...

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/24/22 9:22 PM

This is a train wreck we just got most of the bottom of it cleared out prob 5000 pound's of product out and getting ready to try to get lids on. Looks like this bottom motor hasn't been turning...

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 8/24/22 9:06 PM

Robert **Baumann** how ya'll getting along?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert **Baumann** 8/24/22 6:45 PM

[Captured photo] Probably 700 # more to get out of machine plus 1000 on the floor...

AT American Tripoli - Administration > Mill - Plant - Private

JS John Spears 8/24/22 6:21 PM

Robert **Baumann** how's it looking over there?

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ATMO - Company Wide group chat You, Brian Don, +4



Russell Tidaback (You) 8/24/22 1:10 AM

...Thanks to RJ Williams and Robert **Baumann** for pumping out 36k lbs in the evening....



ATMO - Mill Mgmt You, Don, John, +2



Robert **Baumann** 8/23/22 11:18 PM

Jessie Hodge Jim Hoover went to raise the elevator on palletizer to wrap these pallets and a chain fell off looks like a pusher chain from roller and elevator kept lowering...



ATMO - Mill Mgmt You, Don, John, +2



Robert **Baumann** 8/23/22 7:26 PM

14499-a has 20 bags and 14499-b has 24 bags that are marked then we have 9 ovr that don't have order numbers on them. And I'm counting the same for 14517 as well....



ATMO - Mill Mgmt You, Don, John, +2



Jordan Tidaback 8/23/22 7:06 PM

Hi Jim Hoover or Robert **Baumann** could you please help me get a count of bags for 14499-A and 14499-B? I thought I counted 23 for A and 22 for B. There should only be 20, so we may have extra to add to another order....



American Tripoli - Administration Mill - Plant - Group



John Spears 8/23/22 6:02 PM

Robert **Baumann** should be plenty of product in the tanks. Thanks for the production report up to date. Have a good night.

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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 1:00 AM  
Yeppers been shutting the feed of at 10:40...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:55 AM  
Idk it's in there now 🤔 ...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:53 AM  
O I see now. I'm getting the hang of it but it really won't let me do anything if your on it for some reason...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:48 AM  
Got it thanks. You gotta quit messing with me like that 🤔 ...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:47 AM  
Let me completely back out and try...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:46 AM  
Now it's completely blank...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:45 AM  
Nope I reloaded it twice...



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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/23/22 12:42 AM  
[Captured photo] Russell Tidaback...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/23/22 12:10 AM  
Robert **Baumann** Make sure to input your production numbers for tonights run so we can adjust the production schedule. Thanks!

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/19/22 11:14 PM  
We are still having issues with the cyclone air lock fyi other than that a couple times running good...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/17/22 9:30 PM  
I messed with it and oiled the lines again.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/17/22 8:49 PM  
I hope did it three times. I'm not pushing it real hard now tho. I fully understand what you went thru today...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/17/22 7:17 PM  
This cyclone vacuum feed keeps backing up I've looked and looked for something wrong it's slowing production extremely fyi.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/17/22 6:18 PM  
Yes on order SO- 347. Dgr...





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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 8/17/22 6:05 PM

Jim Hoover Robert **Baumann** you guys have enough material to run all night right?

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/17/22 1:53 AM

I tried multiple times said locked by administrator then your name...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/17/22 1:51 AM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/17/22 1:51 AM

I tried it said you had it locked. Sorry...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/17/22 1:45 AM

Jim Hoover Robert **Baumann** At the end of your shift, please update the "Daily Production" spreadsheet BEFORE leaving the Mill for the day. The system cannot do its checks and balances, and throws error messages, if you dont complete your part.

ATMO - Company Wide group chat | You, Brian, Don, +4

Russell Tidaback (You) 8/15/22 8:03 AM

...Robert **Baumann** We will chit chat before your shift starts to see where the Day shift stopping point is.

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/13/22 10:18 PM

Awesome 🙌...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 8/12/22 3:14 PM

Yes I checked all but the shop door I will do better at triple checking...

**EXHIBIT 3**

Exhibit P-43, Page 292

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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/12/22 8:04 AM

[Selected photo] [Selected photo] Once we finally got old one out it's just like the ones in oil room but the fine mesh had been cut from this one. All bolts are in the bucket btw.

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/11/22 10:15 PM

Yes 1/8 and 51 wide 60 long...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/11/22 9:37 PM

And I honestly think you can get hardware cloth and make a screen we are getting it torn apart in a minute...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/11/22 9:29 PM

The chain itself is the whole unit is off a little but without taking it back apart and lifting it up and redoing the whole north side it can't be moved. We will let Jim and Jesse look but it's setting like it was before. But the chain sprockets are running true now...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/11/22 9:05 PM

[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/11/22 8:50 PM

It's just a separate piece hanging on there no purpose...

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 8/11/22 9:04 AM

The system seems to be getting product through extremely slow for some reason. We kept looking and monitoring things to see if we had an issue somewhere. And I apologize Jim Hoover about not getting trash dumped I couldn't see to get the tarp pulled back to dump it.



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 8/10/22 7:20 PM

Jim Hoover Robert **Baumann** let's meet tomorrow at 4pm in the control room to discuss a plan of attack on the progression plan. Just to make sure we are all working and understanding it's purpose, besides getting product out the door. Okay?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/2/22 5:44 PM  
Yep...

Mill Group Chat | You, Brian, Don, +8

CB Cheri Blount 8/2/22 5:44 PM  
Robert **Baumann** thank you! Can you bring me the paperwork so I can scan it before I leave for the day?

Mill Group Chat | You, Brian, Don, +8

RB Robert **Baumann** 8/2/22 5:42 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo]

Mill Group Chat | You, Brian, Don, +8

CS Christine Schreiber 7/28/22 12:58 PM  
Robert **Baumann** RJ Williams Miguel Trujillo Can yall come into the admin office a little bit before your shift starts and get your headshot taken? We need it for the website and your profile.



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Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/27/22 10:59 AM

Jim Hoover We need to leave this in teams so no one gets left out Jim Hoover it is posted in teams just left this as a reminder...

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:56 PM

[Captured photo]

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:54 PM

Opening would not let product thru to go in bag.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:53 PM

Safety cone and a piece of hose 🚧. You just can't get much in at a time without making a huge mess we are doing our best.

Mill Group Chat | You, Brian, Don, +8

RB Robert Baumann 7/26/22 9:27 PM

Hand bagging is a slow go and replacing bad and cleaning remaining filters in Donaldson. Jim Hoover you were right they are terrible 🤔. Patching appears to be cured but will let them decide in morning on the screen.

Mill Group Chat | You, Brian, Don, +8

CS Christine Schreiber 7/26/22 3:04 PM

Shift Transition: Robert Baumann and Jim Hoover- Assuming the screens are ready to go, Rob, please don't run any dark rose tonight, continue running once-ground rose bulk bags, but with the already crushed product that falls to the bottom. Jim will have some added in already and Jim, please show Rob how to do this....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 7/26/22 11:07 AM

You asked who, Jeff(?), to fix the shaker? Again, you Jim Hoover, Robert Baumann and Christine Schreiber need to Communicating more in this group as to what is needing repair causing us to not run production. No one mentioned to this group that the Shaker was needing repair.

**EXHIBIT 3**

Exhibit P-43, Page 295

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ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 7/22/22 8:25 PM  
[Selected photo]

ATMO - Mill Mgmt | You, Don, John, +2

Robert **Baumann** 7/22/22 8:25 PM  
Running very slow due to east belt motor kicking off checked all wiring but really having to babysit it to keep product this might need replaced M said...

Mill Group Chat | You, Brian, Don, +8

Robert **Baumann** 7/21/22 7:30 PM  
Will do Jordan T. As of now running good getting our methods down to get the most product out the door...

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 7/21/22 7:21 PM  
Thanks Miguel Trujillo Jim Hoover Reminder you are supposed to be posting to this chat group if the mill is down for more than 1 hour and also when it comes back up. It's your responsibility to be informing people. Easy method is through this chat. Robert **Baumann** same thing for you.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 7/21/22 7:10 PM  
Good to hear. Thanks for letting us know. Robert **Baumann** please post how much we produce this evening.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 7/21/22 7:08 PM  
Robert **Baumann** RJ Williams Miguel Trujillo



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Mill Group Chat | You, Brian, Don, +8

BB Bonnie Bainter 7/13/22 1:43 PM

I just spoke to our MSHA rep. he will be here at 7:30 tomorrow to put the monitors on Jeff Willis, Robert **Baumann** and Benjamin Waters. Will you 3 please meet me here in the admin office no later than 7:20? It is an 8-hour test, so sorry you will have them on until 3:30. He advised he will be here throughout the day.

Mill Group Chat | You, Brian, Don, +8

BB Bonnie Bainter 7/8/22 4:54 PM

Robert **Baumann**, hi will you please send someone with a forklift over to the maintenance shop? I have a key to it and they can move the drums in. Thank you

Mill Group Chat | You, Brian, Don, +8

BB Bonnie Bainter 6/29/22 10:49 AM

Miguel Trujillo your physical has been scheduled for 1:30 7/6 (next Wednesday) Robert **Baumann** yours is the following Monday 7/11 at 9:00 RJ Williams yours is also on Monday 7/11 at 3:30 Physicals are performed at OccuMed 336 S Jefferson St. Neosho I will remind each of you again, prior to the date....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 4/14 9:04 AM **IMPORTANT**

...Any questions on this post, please collaborate or ask **Rob**/John/Jessie directly.

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/14 8:16 AM

...The others... **Rob**, Maintenance, John, you, etc, from what I understand, since you arent over exposed due to different positions and exiting the mill periodically throughout the day, do not need to wear the PAPR masks. Remember, its amount of exposure over an 8-hr period not instant exposure, like a chemical....

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 4/11 5:47 PM

Jeremy Talbert what projects do you have for in the morning? Has **Rob** talked to you about anything needed?



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Mill Group Chat | You, Brian, Don, +8

RC Ryan Closser 4/10 10:28 AM

**Rob** I found a valve closed coming right off of the air dryer should be good to go now

Mill Group Chat | You, Brian, Don, +8

JM Jessie Moles 4/7 4:45 PM

Everyone make sure to shave over the weekend so i can do a fit test Monday morning. **Rob** will send you over one at a time so not to interfere with production.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 4/4 6:10 PM

...We'll continue with OGR for our next order. Then we have a couple of cream orders. I drove everyone of the forklifts today. Did an exam on each. Hope you all are doing the same. If you see a potential problem, let **Rob** know and he'll contact a maintenance man. Thanks again.

ATMO - Operations | You, Don, Gwen, +4

JS John Spears 4/4 5:02 PM

I'll pass that along to **Rob**.

Mill Group Chat | You, Brian, Don, +8

JS John Spears 3/31 1:40 PM

Ronnell Fondren please see **Rob**. Crushing is not needed at this moment. Thanks. I understand. You need to communicate your intentions with **Rob** before moving to another task/job area. He may have a different assignment for you.

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 3/31 12:47 PM


...This is part of the Mill start up and shut down steps **Rob** should be ensuring is done everyday.


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 ATMO Safety | You, Don, John, +2


 Jessie Molesi 3/30 4:30 PM


Russell Tidaback R.J Williams is getting an incident investigation report filled out by **Rob** because he twisted his back while moving a bag of product. I was just wondering if you know since he is claiming he is ok and not injured and no first-aid was needed do we just do the report and not contact MSHA?

 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 3/30 1:30 PM


...Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, **Rob** or Jim where this.....

 ATMO - Maintenance Group | You, Don, Joe, +3


 Russell Tidaback (You) 3/30 1:04 PM


Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, **Rob** or Jim where this screen may be as well.

 ATMO Safety | You, Don, John, +2


 John Spears 3/30 11:22 AM


...Check with **Rob** or Alex regarding Mill Associate Start up and Shut down procedures. These have been established and are on the wall in the breakroom in the mill. From the safety point of view, you would.....

 ATMO Safety | You, Don, John, +2

 Russell Tidaback (You) 3/30 11:14 AM

Check with **Rob** or Alex regarding Mill Associate Start up and Shut down procedures. These have been established and are on the wall in the breakroom in the mill....

 ATMO - Mill Mgmt | You, Don, John, +2

 Russell Tidaback (You) 3/30 10:47 AM

**Rob**, I mentioned you specifically because you have the most direct reports.



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:38 AM

...He needs **Rob's** input, Alex's input, the maintenance team input to make good, sound decisions.

ATMO Safety | You, Don, John, +2

JM Jessie Molesi 3/27 1:51 PM

Jordan Tidaback is there a location in where I can find the workplace safety check that the Mill lead does. I can't see when **rob** does it

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/24 5:32 PM

Ah, okay. Now that makes sense. Thanks **Rob**.

Mill Group Chat | You, Brian, Don, +8

RF Ronnell Fondren 3/24 12:38 PM

John Spears WHERE ARE YOU @ because I was bagging and stacking pallets and then **Rob** come over and said he would do it for me to go down and clean up what's been sitting for days and he just stood there and didn't even do anything.

Quarry Operations | You, Gwen, John, +2

JS John Spears 3/24 11:49 AM

Good deal. Finish the clean up up top and around the flight feeder (crusher feeder) then see **Rob** about shoveling up the spillage at the finished product cyclone. Please.

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/23 2:45 PM

Some of the joints have rusted in the threaded area and doing so has caused holes because the wall is thinner. **Rob** has found a few joints that need reworked.

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Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/23 8:57 AM

Awesome, **Rob**, thanks....**Rob**, make sure this is done. Especially on days when MSHA is there doing an air sample test... kind of makes sense right....



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 3/23 7:37 AM

...John and **Rob** will devise a plan, task appropriately and together we will make today a successful day.



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 3/21 6:30 PM

Okay, I will let them know. Thanks **Rob**.



Mill Group Chat | You, Brian, Don, +8



John Spears 3/21 11:48 AM

Ok. That "10" confused **Rob** and I. Thank you.



ATMO - Operations | You, Don, Gwen, +4



Russell Tidaback (You) 3/14 1:56 PM

Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR **Robert** Baumann) have been added to the production schedule....Please let **Rob** and John Spears know when the paperwork has been completed. Its being shipped to Michigan.



Mill Group Chat | You, Brian, Don, +8



Patrick Lewis 3/10 1:19 PM

**Rob** we're am I at? Lol



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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/9 5:26 PM

...And remember **Rob** won't know if it's our BOL or shipper specific. He is only tasked to make sure "a" BOL is signed and pics are taken....

Mill Group Chat | You, Brian, Don, +8

Robert Baumann 3/9 5:09 PM

Jordan Tidaback Did we use the BOL they needed? I didn't think **Rob** had access to that folder? Driver got all the correct info on his copy he said he needed

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 3/9 5:07 PM

Did we use the BOL they needed? I didn't think **Rob** had access to that folder?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/7 8:12 AM

...RJ and **Rob** please continue to work on cleaning out the vacuum system. John and Ron, Pat as ground safety, work on classifoer scroll bearings....

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/6 9:01 AM

...**Robert** Baumann please make sure the power is LOTO for the elevator scroll and green monster scroll for Jim....Once the classifier elevator is ready for tomorrow, Pat and Ron will need to go the maintenance room to learn how to do a continuity test and assist RJ....If you find yourself without something to, ask **Rob**, John or...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 1/24 10:20 AM

...Whether it's a Mill guy, **Rob**, Andrew or even John.....


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 ATMO - Operations | You, Don, Gwen, +4


 John Spears 1/20 2:31 PM


Russell Tidaback John Spears / Kensley Brewer Okay, so... to unscrew this... how many bulk bags of OGR do we have on the production floor? We need 20 for SO-287-A. We'll get you an accurate count shortly. **Rob** and I have been looking at what we have.

 ATMO - Operations | You, Don, Gwen, +4


 Russell Tidaback (You) 1/20 1:32 PM


Yep, I understand. **Rob** should be inputting in the Daily Production spreadsheet what was produced each day before he leaves for the day. Kensley verifies the correct input with what is on the production floor and the spreadsheet.


 ATMO - Maintenance Group | You, Don, Joe, +3


 John Spears 1/18 1:00 PM


...The shaft that we used (had on hand) was 3-0 inches. I wanted to make sure the bearing slid onto the shaft easy enough so we wouldn't have to beat on it so bad. We experienced the oversized shaft problem with the little MAC blower outside. **Rob** can tell you about that.


 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 1/17 9:45 AM  
Thanks **Rob**

 Quarry Operations | You, Gwen, John, +2

 Russell Tidaback (You) 1/16 10:50 AM  
**Rob** responded so I deleted my post.

 Quarry Operations | You, Gwen, John, +2

 Russell Tidaback (You) 1/16 10:49 AM  
Nope your fine... I didn't see **Rob** in the quarry group.



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Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 1/13 5:08 PM

Thats partially my fault, I failed to let **rob** know they were ready

Mill Group Chat | You, Brian, Don, +8

GW Gage Wheeler 1/6 11:04 AM

Hey **rob** give me a call

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 1/4 12:44 PM

Gage Wheeler **Rob** said there was a backup somewhere that he would like for you to check out and make sure there is nothing else.

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/30/22 2:16 PM

287 A is what we been producing the last few days . I asked for specifications and only received verbal comments from **Rob** regarding 287 A which we have OGR 17 bags done

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 12/29/22 4:50 PM

Chuck's tips seemed to have worked. The problem looks to have been with the baffles being out of sync. Gage and **Rob** inched the mechanism along until the temp range became stable. We should be able to fire up in the morning, run bulk bags while the maintenance crew works on the packer.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/29/22 2:02 PM

Thanks **Rob**. When we are producing we need to keep the mill team to the minimum. Can't keep paying people when we aren't producing.

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ATMO - Maintenance Group | You, Don, Joe, +3

Jordan Tidaback 12/28/22 6:46 PM

Ah yes, **Rob** can show you! John has probably just been so focused on maintenance, but don't worry, we'll get you up to speed.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 12/28/22 6:44 PM

Wow..okay so tomorrow ..ask **Rob** to show you the schedule

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 12/26/22 11:24 PM

I believe Kensley is going to be able to pick up the slack with Sarah leaving us. So I don't know if we will need to replace Sarah. John, we can discuss this. I want Kensley to assist **Rob** and John administratively. She seems to be catching on quickly.

Mill Group Chat | You, Brian, Don, +8

Sarah Giberti 12/26/22 2:57 PM

Russell Tidaback On SO-287-A it states that there is 17 bags in stock and three bags needed to fulfill order but from what **Rob** says we used that to fulfill orders SO-286-A/B and so we have no bulk bags in stock except for the completed 287-B

Mill Group Chat | You, Brian, Don, +8

Sarah Giberti 12/26/22 1:07 PM

**Rob** has labels and paperwork

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 12/24/22 12:37 PM

Merry christmas to everyone. Even you **rob**. Lol



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Mill Group Chat | You, Brian, Don, +8

SG Sarah Giberti 12/22/22 11:21 AM

Benjamin Waters Well at least we are having a nice dinner tomorrow! Yes sir! Also there may be some frozen chicken still in freezer, its free to whomever. Ask **Rob** if there is any left.

Quarry Operations | You, Gwen, John, +2

JS John Spears 12/22/22 8:54 AM

**Rob** has it warmed up. We should be able to run until 2.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 12/20/22 10:20 PM

...**Rob**, Over the past couple months, kept mentioning the elevator is full even with adding very little product.....

ATMO - Maintenance Group | You, Don, Joe, +3

BW Bryceton Williams 12/20/22 6:24 PM

...So **Rob** and I went back through all of the solenoids again to see if maybe one of those had stuck again, that was not it. So at the end of the day the last thing I can't think of besides some bit in the plc, is maybe the switch is bad....

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 12/19/22 10:44 AM

Nevermind. Thanks **Rob**

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 12/16/22 12:04 PM


☐ This is what we came up with. I ground a "V" at the break the best I could. Bryceton welded it pretty good. We put a wedge under the other side because there was a space that caused the bearing to rock. Welded a bar strap over the top for further hold down. **Rob** and Bryceton are about to do a test run.


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 Mill Group Chat | You, Brian, Don, +8


 John Spears 12/15/22 10:04 AM

According to **Rob** we're still getting some sort of product dump into the classifier even though we ran the equipment empty for almost an hour. We'll continue to investigate.

 Mill Group Chat | You, Brian, Don, +8


 Patrick Lewis 12/14/22 9:00 AM


I like quieter. And yeah **Rob** when you need the big guy with the stupid strength remember I've got the stupid strength sir lol

 Mill Group Chat | You, Brian, Don, +8

 John Spears 12/13/22 1:39 PM


Sorry. The shaft install is coming along nicely. **Rob** has a few pictures. The crew are working very diligently. Getting the weight plates on now. Will do final nut and bolt check before installing the drive gear.

 ATMO - Operations | You, Don, Gwen, +4


 John Spears 12/8/22 10:00 AM


Thank you. **Rob** was wondering.

 Mill Group Chat | You, Brian, Don, +8

 Russell Tidaback (You) 12/7/22 2:36 PM

...So, **Rob**, John, Kensley... who ever is ensuring the truck is being loaded with the correct material can call the shipper for the specific order if there are any questions. They can use their phone, look at the calendar, look at the orders scheduled for pickup today, and call the shipper based on the info given from the...

 ATMO - Operations | You, Don, Gwen, +4

 Russell Tidaback (You) 12/6/22 2:40 PM

lol, sorry **Rob**... name & phone number? we need something in case we need to call when no one shows up.



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Mill Group Chat | You, Brian, Don, +8

JS John Spears 12/5/22 9:53 AM

...Then we'll make our way around the rest of the mill with grease guns. Patrick Lewis Get with Rob about staging orders for shipping. Thank you all. I realize it has been tough but we're gonna get through this down time and be producing.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 11/22/22 3:24 PM

Well I believe somebody might need to go recount them Rob

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/16/22 12:32 PM  
Perfect. Thanks Rob.

Mill Group Chat | You, Brian, Don, +8

BW Benjamin Waters 11/16/22 11:57 AM  
Ok, well I didn't load it so maybe Patrick or Rob ?

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/10/22 10:59 PM  
Patrick Lewis You're welcome rob lol. Did you help too Patrick Lewis?

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 11/10/22 10:58 PM  
You're welcome rob lol.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 11/10/22 10:18 PM  
Jim Hoover call rob please

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ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 11/9/22 5:58 PM

John Spears Make sure to show **rob** the <https://www.Calendar.online/ShiftLead>



ATMO - Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 11/8/22 10:47 PM

Ok thanks **Rob**. Are you guys cutting out early?



Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 11/7/22 10:40 AM

...We would like to run every Saturday through the end of the year, if possible, but to be able to do so we need  
1) Shift lead (currently Jim or **Rob**), and 3 Mill Associates who can be there for the entire 8 hour shift....



ATMO - Mill Maintenance | You, John and Jordan



John Spears 11/4/22 5:12 PM

Please work diligently to get the MAC sock filter unit back together. **Rob** is ready to run product.



Mill Group Chat | You, Brian, Don, +8



John Spears 11/3/22 5:16 PM

Sarah Giberti can I get these stickers for **Rob** if he hasn't already asked for them. Thanks.



ATMO - Mill Maintenance | You, John and Jordan



John Spears 11/2/22 7:21 PM

**Rob** and I are working on the shaft.



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Mill Group Chat | You, Brian, Don, +8



Patrick Lewis 10/26/22 9:16 PM

**Rob** said it was yours and he even told me to take him including the pockets said they was yours and you wouldnt even miss em lol

Mill Group Chat | You, Brian, Don, +8



RJ Williams 10/26/22 9:11 PM

Nahh it was for **Rob** bro they hot fries was all me , telling your homies not snitching now talking to 12 that's different 🤔🤔

Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 10/25/22 1:55 PM

I believe with **Rob**, RJ, Pat & Landry working on this, it should get knocked out with ease. Now, we need to get the bagger belt done.

Mill Group Chat | You, Brian, Don, +8



Russell Tidaback (You) 10/25/22 1:03 AM

**Rob..**

Mill Group Chat | You, Brian, Don, +8



Jim Hoover 10/25/22 12:53 AM

The pipe on bottom is not connected to anything except into the flour elevator correct **rob** on bottom of. Flour elevator

Mill Group Chat | You, Brian, Don, +8



Jim Hoover 10/25/22 12:21 AM

**Rob** that is what I showed you on. West side of it the black switch i showed you up top

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Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/24/22 11:25 PM  
I know **rob** knows that

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/24/22 5:00 PM  
**Rob** - Please look at the Daily Production spreadsheet, the Orange highlighted cells are questions for you. Sent with DelayedSend

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 10/24/22 9:23 AM  
SO-378 is a double entry. Was not double produced. I'll make sure Jim and **Rob** get better information from each other and myself. SO-268 does need 60 more bags of OGR. I'll make sure that is completed first. I'll go over the updated board with the crew as well.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/19/22 5:11 PM  
Jim, Landry, Patrick, Benjamin, **Robert**, RJ, Max, John, Terry Just a reminder we have the Annual Refresher Training tomorrow in the garage across from the admin building. We start at 8:00 AM sharp, so be there at least 5 minutes early.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 10/14/22 6:43 PM  
Great thank you **Rob**. Jim, I totally understand, but please remember to do these. We have customers who request them if we don't send them automatically. Thanks, guys. Have a good weekend.

Mill Group Chat | You, Brian, Don, +8

JH Jim Hoover 10/14/22 6:39 PM  
No I'm sorry didn't, but i ask **Rob** to i got behind with the compress kicked out and loading 2 trucks since i had Ben doing Maintenance problems today on 4th floor that left one person on production floor sorry about that lot of crap going on

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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/13/22 12:19 AM  
Thanks **Rob**.

ATMO - Mill Maintenance | You, John and Jordan

Russell Tidaback (You) 10/12/22 10:13 PM  
Carson Allman did you find **Rob** and get the leak fixed?

ATMO - Mill Mgmt | You, Don, John, +2

WS Will Shallenburger 10/3/22 8:53 AM  
...Will Shallenburger IF the system runs great today and you get through all the cream orders (mon & tues), Id do the C-15 2nd to last, and leave the 900# bulk DGC for **Rob**s team, since he is short people.....

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 10/3/22 8:45 AM  
...you get through all the cream orders (mon & tues), Id do the C-15 2nd to last, and leave the 900# bulk DGC for **Rob**s team, since he is short people....all the cream order and the C-15 early, then go ahead and do the 900# bulk too... we will just shift BULK OGR to **Rob**s team until we can get him some help...

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/22/22 5:01 PM  
Will Shallenburger it's possible. I'll talk to **Rob**. Who's on top of the green box now?

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/21/22 5:54 PM  
They're being sprayed off and examined. **Rob** and RJ are going to put the "cleaned" socks in the area by the crush room. Tomorrow Carson, Josh and Landry are going to reinstall the cleaned ones.



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Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 9/19/22 9:24 AM

Jordan Tidaback Also, we'll need a Cilas for DGC that was run around the 9/14 time frame, please. I don't see any in the files for September. Does **Rob** know how to run these yet? 9-14 has been ran.

Mill Group Chat | You, Brian, Don, +8

WS Will Shallenburger 9/16/22 6:04 PM

...I don't see any in the files for September. Does **Rob** know how to run these yet? Sorry I've already left for the day but I will get with **Rob** and show him how to do that. If it can wait until Monday I will do it first thing.

Mill Group Chat | You, Brian, Don, +8

Jordan Tidaback 9/16/22 5:43 PM

Also, we'll need a Cilas for DGC that was run around the 9/14 time frame, please. I don't see any in the files for September. Does **Rob** know how to run these yet?

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/13/22 6:02 PM

I stapled the busted out folds together and **Rob** is wrapping screen around it to keep it together better. We hope. **Rob** and RJ are going to reinstall them and fire up the system. See what happens.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 9/13/22 2:05 PM

Come on now you showed **Rob** lol

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/11/22 8:01 AM

Good morning **Rob**. No worries. It happens. Have a good Sunday.



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 8:23 PM

...Will Shallenburger Okay, so while we wait on **rob's** response, lets plan on having Jim and you tackle this "something at work" that Jim says will work tomorrow morning at 730 and try to get it done by 800 so we can run as planned....

ATMO - Mill Mgmt | You, Don, John, +2

JH Jim Hoover 9/8/22 8:05 PM

But the card board will only have the dimensions on it it just has to be hanging over both side you know you remember how to fix this problem **rob** is having correct

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 9/8/22 5:08 PM

John Spears Yes sir. **Rob** is here and going over the details with Jim and Will. Perfect. Thank you!!!! John Spears

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/8/22 5:08 PM

Yes sir. **Rob** is here and going over the details with Jim and Will.

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 9/6/22 6:03 PM

Jessie Hodge **Rob** is trying to get the driven pulley off of the shaft.

AT American Tripoli - Administration > Mill - Plant - Group

JS John Spears 8/19/22 5:42 PM

The oiling spigot on the tube mill was replaced. Re-fired at aprox. 3:30pm. Met with **Rob** for a debriefing.

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• Produce all teams chats that Baumann participated in from February 1, 2023 through April 17, 2023—**please send us a legible copy of the document you previously sent and confirm that is the only document you have in response to this. If not, send the remaining documents from this time frame.**



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ATMO Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/9 10:11 AM

Alex Snodgrass John Spears Robert Baumann Good Morning Gentlemen. SO-323, according to the Daily Production spreadsheet is complete. Alex Snodgrass can you confirm 800 bags, 40 pallets and 40 slipsheets? The spreadsheet is showing 800 bags, 33 pallets, and 36 slipsheets. [image]



ATMO Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/7 5:45 AM

...Just a reminder... to manage the storage space in the **mill**, you can view the production schedule to see what SO#s are scheduled to be shipped... This way you all know which orders need to be moved to the garage, etc. to make space in the **mill**... you do move orders to the garage, tag Julie in the **Mill** Chat group notifying her...



ATMO Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/5 4:52 PM

...Once this pallet loader is electrically disconnected from the palletizer, then over a weekend, yes, 4 people OT would be authorized to disassemble and remove the palletizer pallet loader from the **mill** production floor...



ATMO Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/5 4:35 PM

Details still being worked out.



ATMO Mill Mgmt | You, Don, John, +2



John Spears 4/5 4:34 PM

When do we expect the wrapper and rolls?



ATMO Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/5 4:34 PM

We are ordering a new automatic stretch wrapper... the details are being worked out now.



ATMO Mill Mgmt | You, Don, John, +2



Russell Tidaback (You) 4/5 4:32 PM

Additional info: We order 80k bags, usually once a year. Our 2023 bag order was scheduled to be delivered in March but now is pushed back until May. Hood packaging our bag supplier has a factory lead time, much like ours currently... many months. Stretch wrap... we need to be cognizant that stretch wrap has a shelf...



ATMO Mill Mgmt | You, Don, John, +2



John Spears 4/5 4:30 PM

Russell Tidaback Also, Alex Snodgrass John Spears, need you guys to start planning ahead and paying attention the required forecasting of needed materials. Looking at the production schedule... need to collaborate on... Will do.

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**ATMO - Mill Mgmt** | You, Don, John, +2

**JS** John Spears 4/5 4:30 PM

Russell Tidaback Also, Alex Snodgrass John Spears, need you guys to start planning ahead and paying attention the required forecasting of needed materials. Looking at the production schedule... need to collaborate on... Will do.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 4/5 4:29 PM

Also, Alex Snodgrass John Spears, need you guys to start planning ahead and paying attention the required forecasting of needed materials. Looking at the production schedule... need to collaborate on how many pallets, slip sheets, and stretch wrap is needed for next month's orders, for example, We have 7,187 slipsheets...

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 4/5 4:09 PM

I copied the April info from the March tab to the April tab.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 4/5 4:09 PM

Robert Baumann Alex Snodgrass John Spears Hi guys... make sure we input the daily production on the correct tab of the spreadsheet... [image] To "show" May, for example, right click on the April Tab and select May. Since we are working on SO-323 and is spread across 31MAR into APR... lets leave to March tab visible.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:47 AM

Rob, I mentioned you specifically because you have the most direct reports.

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:46 AM

Robert Baumann, we need you to make sure the **mill** associates do what is needed. Be on time, do the daily inspections; perform the tasks given... and that means ALL of the tasks... bathroom cleaning, trash, sweeping, cleanup, etc....

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:38 AM

...We need the **mgmt** side to start placing emphasis on thinking ahead, being organized, scheduling accordingly, etc....

**ATMO - Mill Mgmt** | You, Don, John, +2

**Russell Tidaback (You)** 3/30 10:35 AM

The machines need maintenance attention, yes we all know this. But to get people to stay long enough to learn the process, learn the machines... this has been the problem.



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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:33 AM  
Yep, that's John's call. He is local. The palletizer doesn't slow the production down. Have to remember at one time the **mill** produced 100k lbs a day without a palletizer and 200lb bags.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 3/30 10:32 AM  
We were told yesterday that we weren't doing maintenance yesterday and if we get the palletizer fixed and all machines working correctly we could probably reach daily production goals...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**  
"guys we are charging the tube **Mill** and sealing up the elevator first thing in the morning"... okay, this is probably a good segway to bring us back together and iterate the importance of production urgency. The daily production goal is 50k lbs produced. Produced meaning to the final step of being stretch wrapped. The...

ATMO - Mill Mgmt | You, Don, John, +2

AS Alex Snodgrass 3/28 3:17 PM  
Russell Tidaback we got it...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/28 2:53 PM  
Sorry brother, but now you see what this on-hand inventory is so important to keep accurate.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/28 2:37 PM  
Alex Snodgrass Please confirm [image]

ATMO - Mill Mgmt | You, Don, John, +2

JS John Spears 3/28 2:10 PM  
Russell Tidaback Alex Snodgrass John Spears please make sure a CILAS report is done for each order. We received a customer complaint that they didnt get one. Will do.

ATMO - Mill Mgmt | You, Don, John, +2

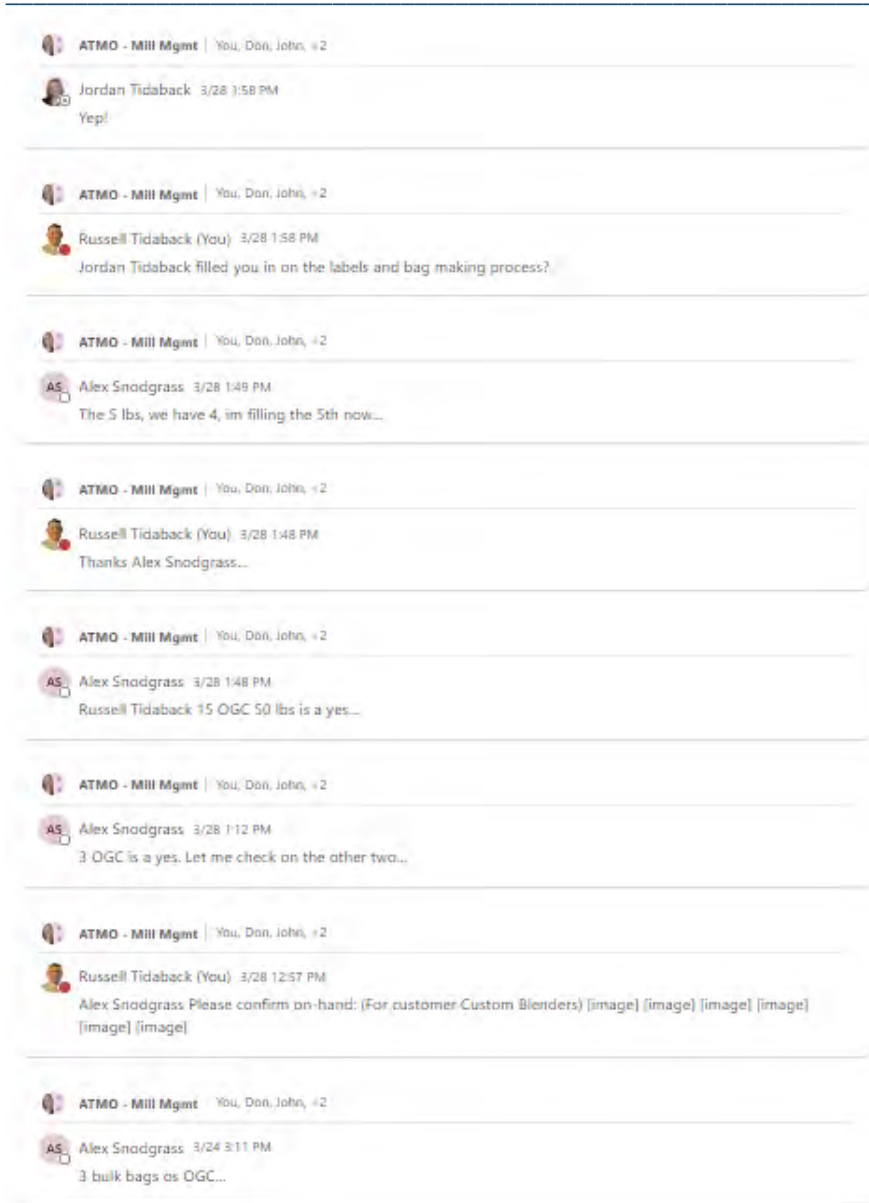
Russell Tidaback (You) 3/28 2:09 PM  
Alex Snodgrass John Spears please make sure a CILAS report is done for each order. We received a customer complaint that they didnt get one.

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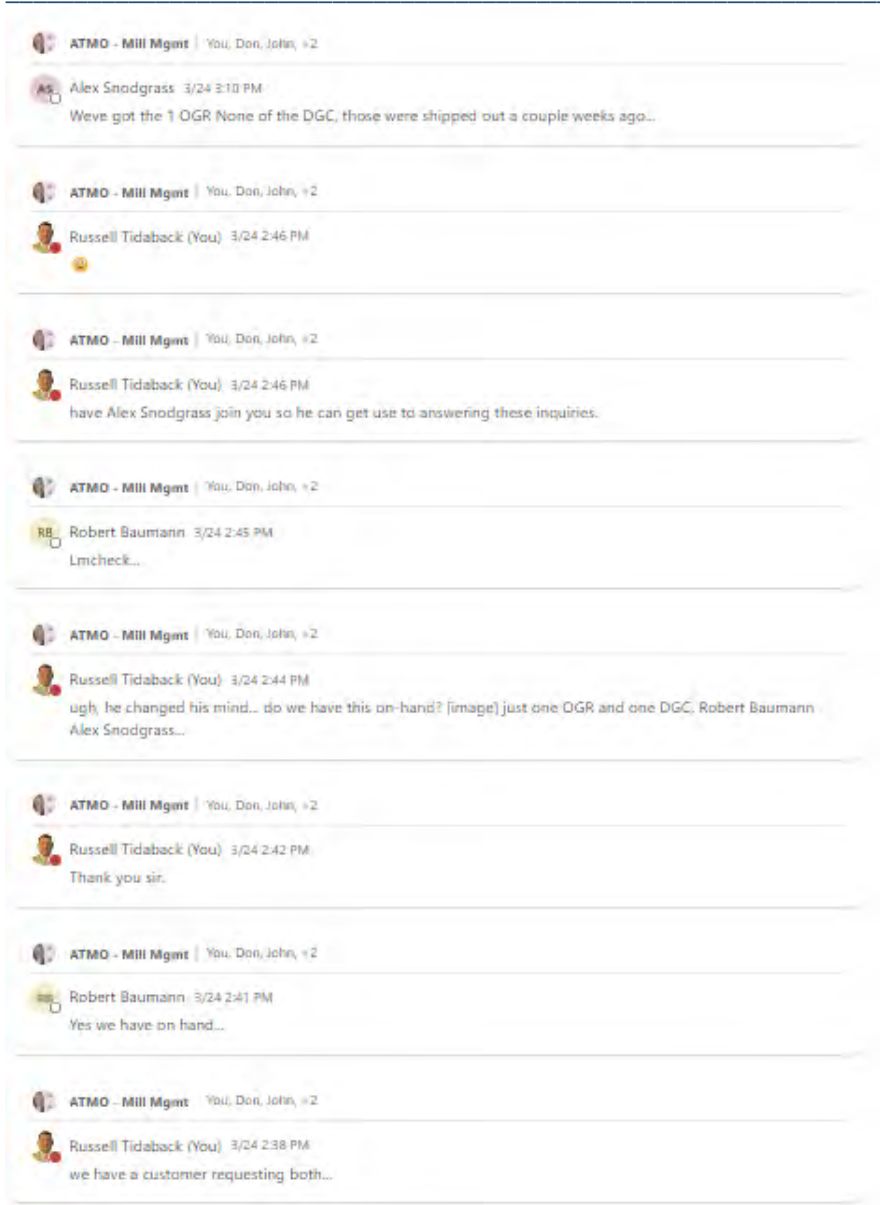


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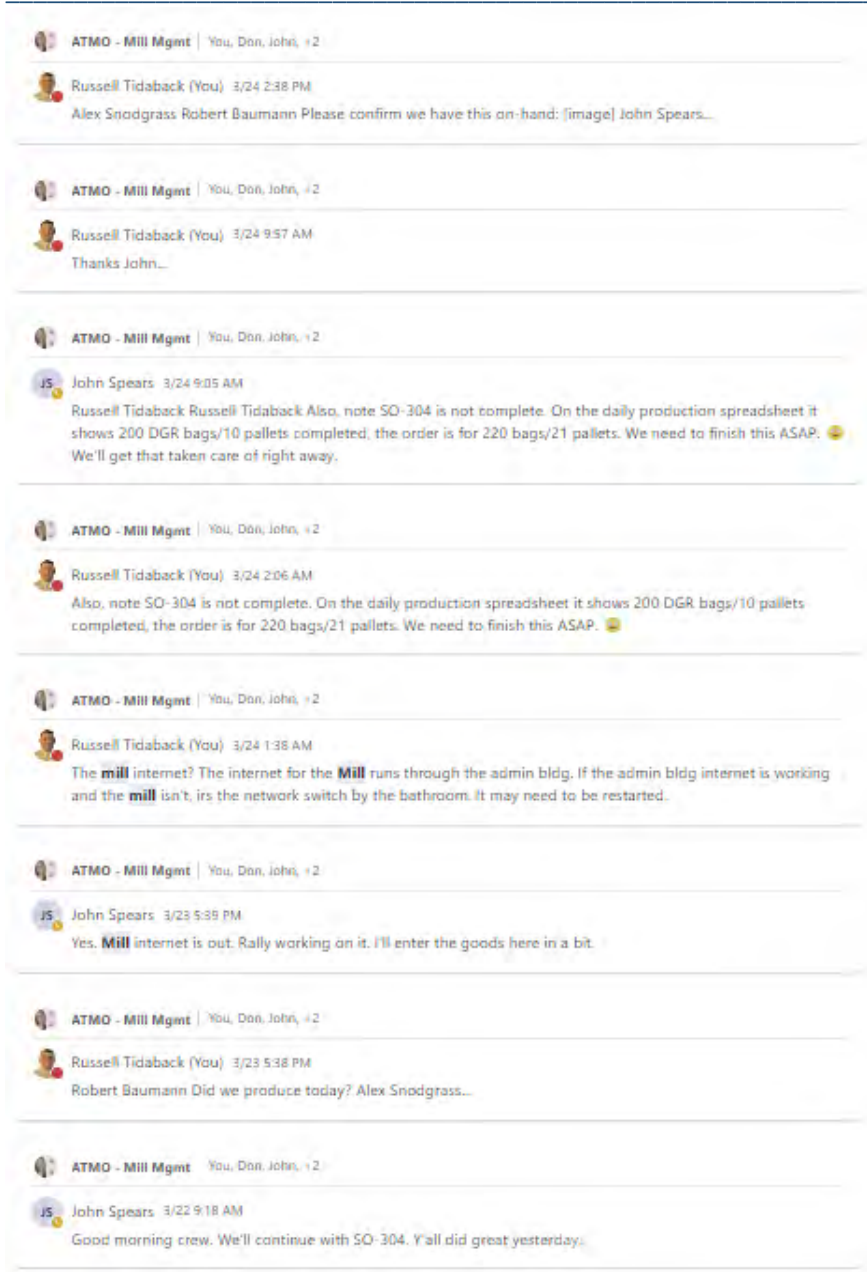


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ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/21 6:30 PM  
Okay, I will let them know. Thanks Rob.

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 3/21 6:25 PM  
I'll make sure to get the other wrapped up...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/21 6:23 PM  
Safe to let them know the order is ready to be picked up?

ATMO - Mill Mgmt | You, Don, John, +2

RB Robert Baumann 3/21 6:23 PM  
Russell Tidaback Customer is asking, is why I am verifying. They want to send a truck tomorrow. Yes 21 pallets 7 still need to be wrapped...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/21 6:09 PM  
Customer is asking, is why I am verifying. They want to send a truck tomorrow.

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/21 6:08 PM  
Robert Baumann We need 265 more bags Robert Baumann Help me get the numbers... SO-298 = 420 bags of OGR 9MAR: 60 15MAR: 35 20MAR: 135 21MAR: 130 Total: 360 do you have other bags produced earlier for SO-298 that total up to the 420 needed?

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/21 5:20 PM  
Keep in mind that we are hiring a production coordinator and a safety specialist that can also help in the mill, as needed. Plus, when we hire a quarry person, Ron will be coming back to the mill...We definitely dont need to hire more mill associates. IMO we need to utilize the people we have to ensure all the things...

ATMO - Mill Mgmt | You, Don, John, +2

Russell Tidaback (You) 3/21 3:45 PM  
Robert Baumann I am not understanding your comment in the Mill group chat about "running half throttle now".

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ATMO - Mill Mgnt | You, Don, John, » 2

JS | John Spears: 3/20 6:24 PM

Yes Ma'am. I understand. We'll get past this hiccup and persevere.

ATMO - Mill Mgnt | You, Don, John, » 2

JTD | Jordan Tidaback: 3/20 6:21 PM

Just FYI...The CEMCO scroll invoice is what is holding up getting the palletizer motor back. Keep in mind, that scroll balance due is \$40K. The palletizer motor may only be a couple thousand, but they will not work on that motor until the scroll is paid for. It's been extremely challenging to shuffle money around for...

ATMO - Mill Mgnt | You, Don, John, » 2

JS | John Spears: 3/20 10:06 AM

The burner man is sick. He is sending his partner from Grove to install the mother board into the Mod-Motor and trouble shoot to get it ready.

ATMO - Mill Mgnt | You, Don, John, » 2

JS | John Spears: 3/20 9:39 AM

Robert Baumann got a CFI Truck wanting to pick up SO-290B.

ATMO - Mill Mgnt | You, Don, John, » 2

RB | Robert Baumann: 3/20 9:29 AM

Russell Tidaback Ok, let me know We need 265 more bags...

ATMO - Mill Mgnt | You, Don, John, » 2

RTD | Russell Tidaback (You): 3/20 9:04 AM

Ok, let me know...

ATMO - Mill Mgnt | You, Don, John, » 2

RB | Robert Baumann: 3/20 9:02 AM

Russell Tidaback Robert Baumann How close are we on SO-298? ...288 more bags to go? [image] [image] I'm looking at it now we've ran odds n ends bags working on the packer so figuring out exactly how many more we need...

ATMO - Mill Mgnt | You, Don, John, » 2

RTD | Russell Tidaback (You): 3/20 9:00 AM

Robert Baumann How close are we on SO-298? ...288 more bags to go? [image] [image]



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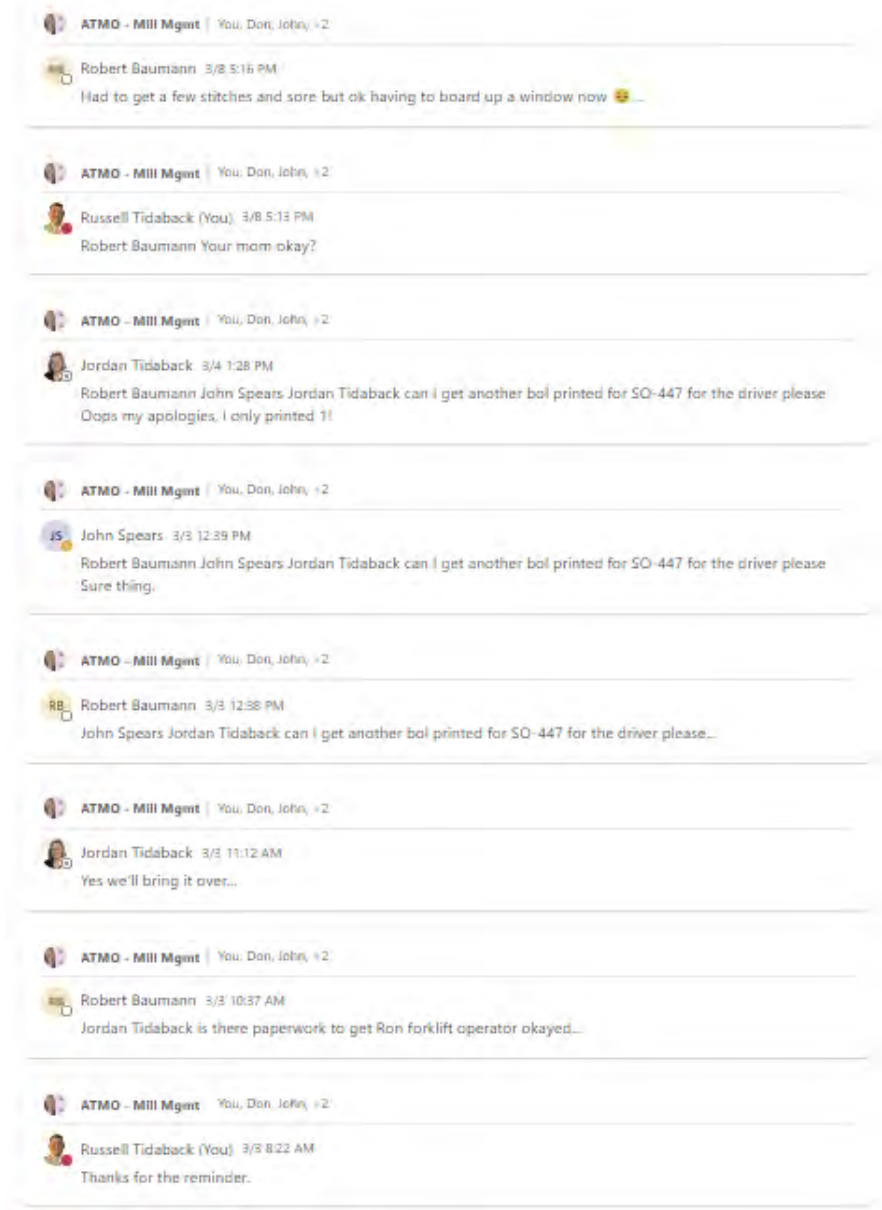
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Russell Tidaback (You) 3/14 9:01 AM  
I wouldnt try doing it on a cold day... waste of fuel...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Russell Tidaback (You) 3/14 9:01 AM  
Sounds good. Keep in mind until we get a "good" run of constant hot material through the system, there is a lot of build up in the system that will need to be flushed out.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Robert Baumann 3/14 8:59 AM  
Ok we will try it I went up and got excess material from the spots it was built up on and am waiting for the guys to help reassemble the rest of the pulverizer guess to start up...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Russell Tidaback (You) 3/14 8:56 AM  
Good Morning Gentlemen. Robert Baumann Lets not start the exhaust blower motor outside by the crusher ramp today and see if today is a better run.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Robert Baumann 3/8 5:57 PM  
Should be good thanks see you in the morning...
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Russell Tidaback (You) 3/8 5:51 PM  
Robert Baumann Thanks I thought I had it in a chat with you and John sorry No worries. Just making sure everything was okay with Mom. :-). If you need anything let us know.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- John Spears 3/8 5:18 PM  
Robert Baumann Had to get a few stitches and sore but ok having to board up a window now 🙏 Glad she's doing good.
- 
- ATMO - Mill Mgmt** | You, Don, John, +2
- Robert Baumann 3/8 5:17 PM  
Thanks I thought I had it in a chat with you and John sorry...
-

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**ATMO - Mill Mgmt** | You, Don, John, +2

Robert Baumann · 3/3 8:08 AM  
We shipped 15 bags of 50 pound AFC they requested 28 fifty pounders all we had was 15 in stock...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) · 3/2 10:27 PM  
Robert Baumann Please confirm, Did we ship 28 bags of AFC or 15 bags of AFC last week?

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) · 2/25 3:43 PM  
Please confirm we have [image] Robert Baumann John Spears...

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) · 2/18 12:07 AM  
Think about it as a timeline... for example at 8am bla bla bla happened then approximately at 10am bla bla bla happened.

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) · 2/18 12:05 AM  
John Spears Robert Baumann I need for you two gentlemen over this weekend to think about what transpired with MSHA starting Monday. Make some notes initially on things you remember as next week I will need you to put the pieces together into a formal statement. What happened Monday should not have happened.

**ATMO - Mill Mgmt** | You, Don, John, +2

JS · 2/12 7:52 PM  
[image]

**ATMO - Mill Mgmt** | You, Don, John, +2

Russell Tidaback (You) · 2/12 11:38 AM  
Robert Baumann John Spears + For Monday 13FEB, to give Gage time to troubleshoot the packer... [image]

**ATMO - Mill Mgmt** | You, Don, John, +2

Jordan Tidaback · 2/10 3:59 PM  
Ok thank you.



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Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 4/17 12:16 PM

Good Morning Everyone. MSHA inspector, Mr. Markeson, is suppose to be there in the morning to address the "close tag" issue in the mill. He has also been asked to clarify what "tasks" we can do in the mill while under the Order. The PAPR masks are scheduled to arrive Tomorrow, so Jessie will get these assembled and...

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 4/16 9:54 PM

Ok...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 4/16 9:53 PM

Hopefully.

Mill Group Chat | You, Brian, Don, +8

Patrick Lewis 4/16 9:52 PM

So Tuesday then...

Mill Group Chat | You, Brian, Don, +8

JS John Spears 4/16 9:47 PM

No work tomorrow. We should be getting the power back on in the morning.

Mill Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 4/14 9:04 AM **IMPORTANT**

Hi Guys. From what we are learning in dealing with MSHA, and the recent air quality test results... those individuals who were tested as overexposed will need to wear a Powered Air Purifying Respirator (PAPR) until we can get the air readings back down to under the limits. We have ordered these PAPR masks. These should...





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**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann 4/12 10:08 AM  
John Spears We have arrived. Call me asap...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/12 9:53 AM  
We have arrived.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/12 9:13 AM  
We're headed to Miami. OK for health test at Xpress Wellness...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 4/12 7:55 AM  
We get ice cream too right?

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/12 7:52 AM  
Jim Hoover Ronnell Fondren Patrick Lewis RJ Williams be sure to bring back your paper for the lung test today. Don't be late, I'm driving you over there.

**Mill Group Chat** | You, Brian, Don, +8

JM Jessie Moles 4/11 5:49 PM  
Ronnell Fondren RJ Williams Jim Hoover Patrick Lewis Hey everybody make sure to fill out the top portion of the sheet I gave you with your information that I left blank. Also can each one of you private message me with your birthdate and phone number so I can send it to express wellness. Please acknowledge when you get...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 4/11 5:04 PM  
Be sure to bring your paper for the breathing and hearing test tomorrow. I will drive y'all.

**Mill Group Chat** | You, Brian, Don, +8

JH Jim Hoover 4/11 12:46 PM  
Okay...

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**Mill Group Chat** | You, Brian, Dory, +8

JM Jessie Moles 4/11 11:53 AM  
Please acknowledge when you read this message...

**Mill Group Chat** | You, Brian, Dory, +8

JM Jessie Moles 4/11 11:53 AM  
Jim Hoover, Patrick Lewis, Ronnell Fondren, and RJ Williams I have you guys scheduled for both an audiogram and Pulmonary function tests (PFT) for Wednesday (4/12/2023) at 0900 am at Express Wellness/ 2518 N Main St, Miami, OK 74354. I have forms that you have to bring with you to the appointment that I will bring to...

**Mill Group Chat** | You, Brian, Dory, +8

AS Alex Snodgrass 4/11 11:45 AM  
On it...

**Mill Group Chat** | You, Brian, Dory, +8

RB Robert Baumann 4/11 11:45 AM  
Alex Snodgrass can we get the labels for the maverick order please...

**Mill Group Chat** | You, Brian, Dory, +8

JS John Spears 4/11 8:08 AM  
Good morning Crew! We'll finish SO-325 this morning. Everyone did very well yesterday with pallets, impeller bearing and staging product. Thank you. I've have to see Lehar's diesel this morning. They open at 8am. I'll be on to the mill directly afterwards.

**Mill Group Chat** | You, Brian, Dory, +8

JS John Spears 4/10 1:19 PM  
Robert Baumann don't feed. We're working on the impeller bearing.

**Mill Group Chat** | You, Brian, Dory, +8

RC Ryan Closser 4/10 11:54 AM  
It's just my personal opinion...

**Mill Group Chat** | You, Brian, Dory, +8

RC Ryan Closser 4/10 11:53 AM  
The valve on the end of the air tank closest to the second floor steps or right outside the shop door it was closed as well. It seemed as if somebody closed it in an effort to try to lock air in the system for the weekend. If we're trying to do that we're inviting problems.





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**MIII Group Chat** | You, Brian, Don, & B

**JT** Jeremy Talbert 4/10 11:04 AM  
Yeah i know which one your talking about what about the others where they all opened i drain the air tanks everyday theres never any moisture...

**MIII Group Chat** | You, Brian, Don, & B

**RC** Ryan Closser 4/10 11:02 AM  
The valve that was shut off was the 4" main directly above the air dryer... Downstairs. It's a 4" ball valve and feeds the entire system. NOT the little 1/2" Gate valve on the second floor next to the packer.

**MIII Group Chat** | You, Brian, Don, & B

**JT** Jeremy Talbert 4/10 10:57 AM  
I noticed this friday i was gonna see about doing it Saturday when i make up today if johb was okay with that i think the bearingbis in the maintenance shop...

**MIII Group Chat** | You, Brian, Don, & B

**JS** John Spears 4/10 10:50 AM  
Robert Baumann Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning Thank you.

**MIII Group Chat** | You, Brian, Don, & B

**RB** Robert Baumann 4/10 10:49 AM  
[Captured photo] Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning....

**MIII Group Chat** | You, Brian, Don, & B

**JT** Jeremy Talbert 4/10 10:38 AM  
Not sure what valve hes talking about only valve on packer that we are shutting off is on air supply the one i installed thursday...

**MIII Group Chat** | You, Brian, Don, & B

**RB** Robert Baumann 4/10 10:34 AM  
Ryan Closser Rob I found a valve closed coming right off of the air dryer should be good to go now Thank you. VERY IMPORTANT if we shut a valve off that normally doesn't get closed PLEASE let everyone know...

**MIII Group Chat** | You, Brian, Don, & B

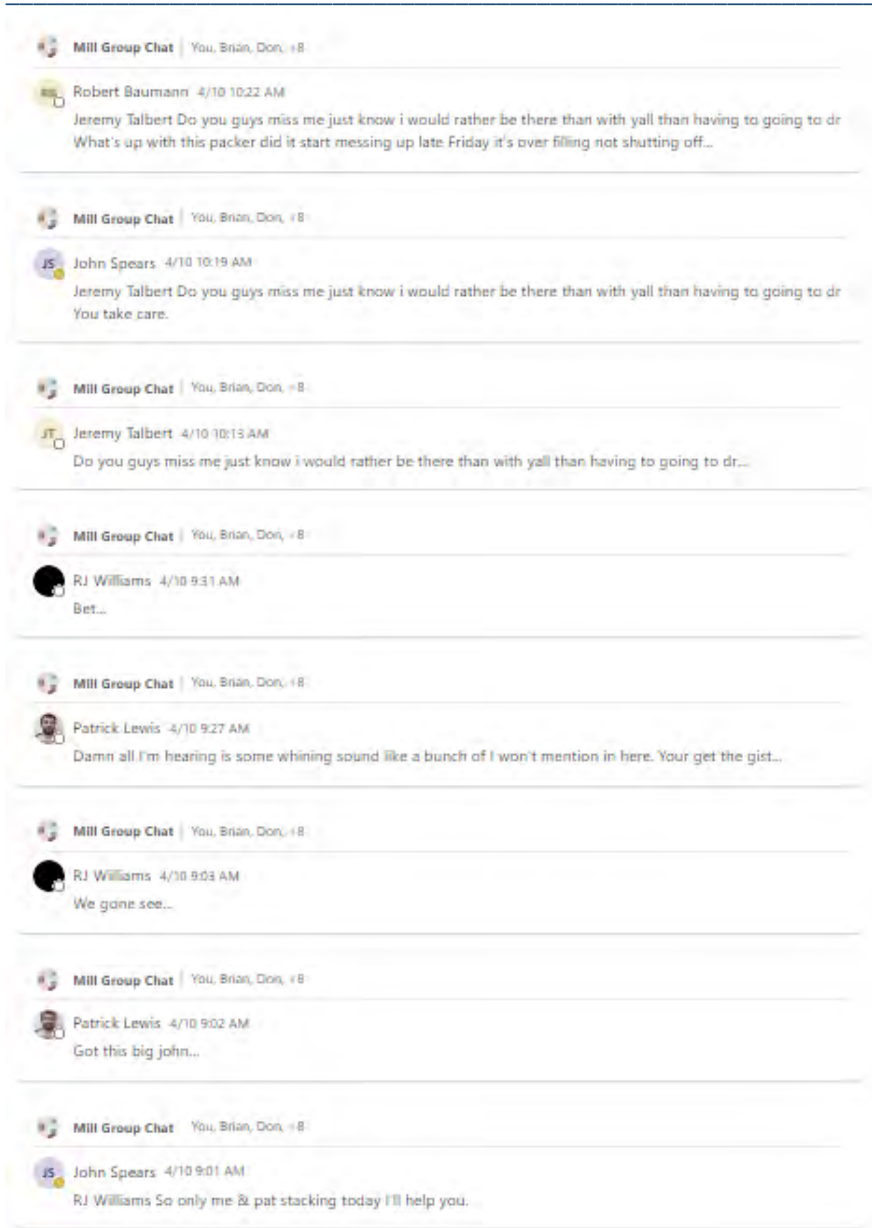
**RC** Ryan Closser 4/10 10:28 AM  
Rob I found a valve closed coming right off of the air dryer should be good to go now...

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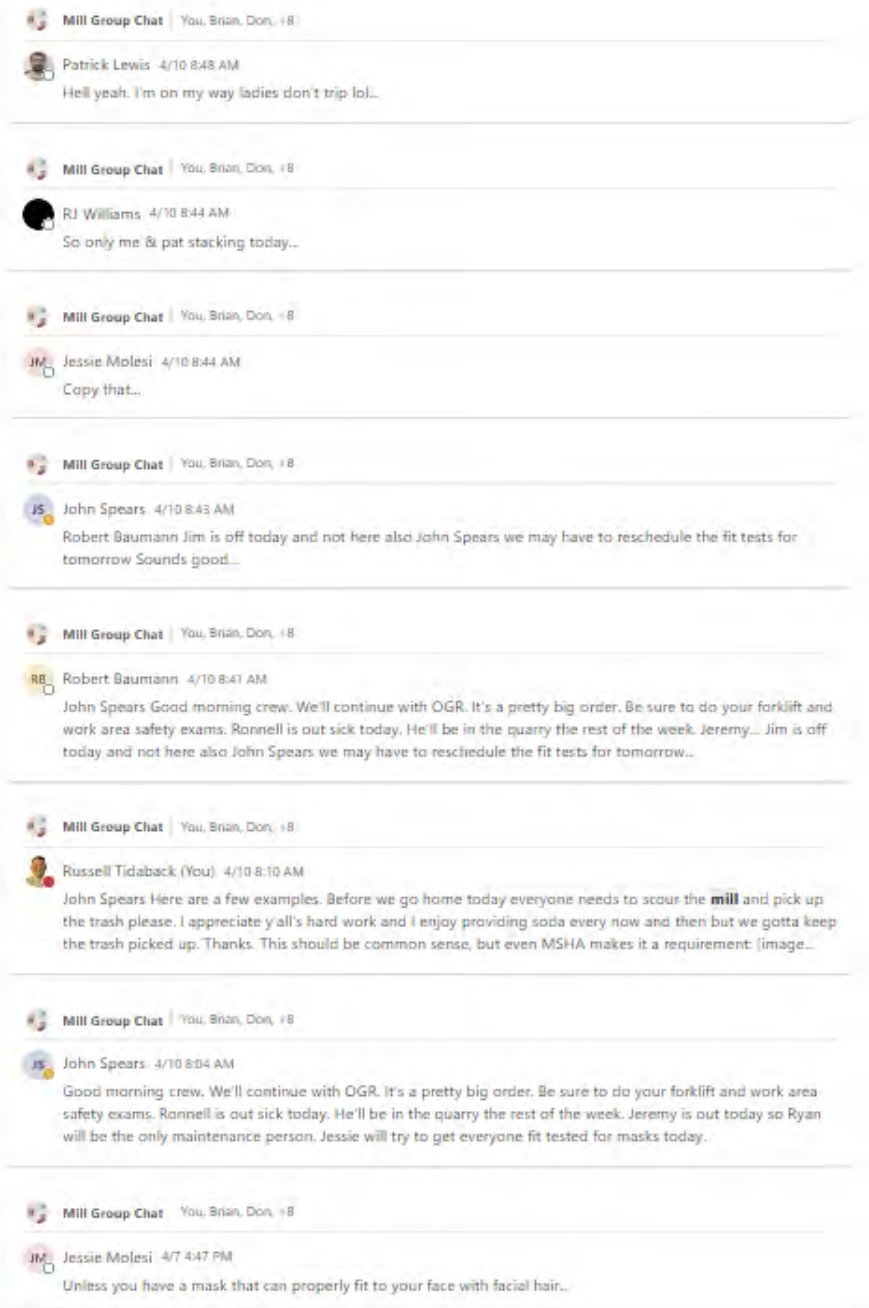
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**Mill Group Chat** | You, Brian, Dory, +8

Jessie Molesi 4/7 4:46 PM  
Mustaches are fine...

---

**Mill Group Chat** | You, Brian, Dory, +8

Jessie Molesi 4/7 4:45 PM  
Everyone make sure to shave over the weekend so i can do a fit test Monday morning. Rob will send you over one at a time so not to interfere with production.

---

**Mill Group Chat** | You, Brian, Dory, +8

John Spears 4/7 4:14 PM  
I picked these off of the pick belt before they went into the pulverizer. Whoever is tasked to operate the crusher please keep an eye out for big flint rocks. As you can see from the size of these they originally came from a bigger piece before it went through the crusher. Flint rocks this size can really reek havoc on...

---

**Mill Group Chat** | You, Brian, Dory, +8

John Spears 4/7 4:09 PM  
[https://us-api.asmskype.com/v1/objects/0-cus-d7-05e1f32fbc4597e92bd1b38efa69c9f2/views/imgo]

---

**Mill Group Chat** | You, Brian, Dory, +8

John Spears 4/7 3:32 PM  
Here are a few examples. Before we go home today everyone needs to scour the **mill** and pick up the trash please. I appreciate y'all's hard work and I enjoy providing soda every now and then but we gotta keep the trash picked up. Thanks.

---

**Mill Group Chat** | You, Brian, Dory, +8

John Spears 4/7 3:29 PM  
[https://us-api.asmskype.com/v1/objects/0-cus-d20-8b0d2d0dfbeeb81506a886dc34cc97e6/views/imgo]  
[https://us-api.asmskype.com/v1/objects/0-cus-d7-c346b317fdd8dcf650c18269978b390c/views/imgo]  
[https://us-api.asmskype.com/v1/objects/0-cus-d9-b62dc5b33792a049ae6d2466e7a0a153/views/imgo]...

---

**Mill Group Chat** | You, Brian, Dory, +8

Robert Baumann 4/7 2:56 PM  
Good point of reference to really watch while crushing...

---

**Mill Group Chat** | You, Brian, Dory, +8

John Spears 4/7 2:50 PM  
[https://us-api.asmskype.com/v1/objects/0-cus-d8-ddbd64d738321005644b8ce888cf62a/views/imgo]

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**Mill Group Chat** | You, Brian, Don, & B

JS John Spears: 4/7 2:50 PM

Somehow this plastic bag made its way up to flour elevator to the 4th floor and plugged up the shaker/vibrator. We need to police up the trash and dispose properly. Thanks.

**Mill Group Chat** | You, Brian, Don, & B

RB Robert Baumann: 4/7 1:21 PM

Jeremy Talbert please come to bagger...

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears: 4/7 11:11 AM

We're getting 250 HT Large this coming Monday.

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears: 4/7 11:08 AM

Good deal.

**Mill Group Chat** | You, Brian, Don, & B

RB Robert Baumann: 4/7 11:03 AM

Got the thumbs up now going to try to fire back up and get everything unclogged...

**Mill Group Chat** | You, Brian, Don, & B

RB Robert Baumann: 4/7 10:25 AM

[Captured photo] Someone hit some lines down the street we are shut down for a while...

**Mill Group Chat** | You, Brian, Don, & B

RB Robert Baumann: 4/7 10:09 AM

Power surge everything kicked out DANG it we are trying to reset everything...

**Mill Group Chat** | You, Brian, Don, & B

JS John Spears: 4/7 7:49 AM

Good morning Crew! We'll continue with the OGR and finish SO-323. The next order is OGR as well. Jeremy Talbert and I will look at the packer nozzle and try to figure out why the "fill assist" air will not shut off. I'll move the bulk bags of Rose over to the quarry garage. Ronnell Fondren will be at the quarry today.



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Mill Group Chat | You, Brian, Don, & 8

RJ Williams 4/6 4:51 PM  
SQ-594 has been shipped...

Mill Group Chat | You, Brian, Don, & 8

RJ Williams 4/6 4:51 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d7-6e762a3109a4d16979f1f4377ac91f4f/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d8-4f9b14a347f18176af200d3c9347c10d/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-e3f770ccc421b3f9406d1074ca3d4c03/views/imgo]...

Mill Group Chat | You, Brian, Don, & 8

RF Ronnell Fondren 4/6 1:16 PM  
Robert Baumann Ronnell Fondren everything is still running we can't just walk off of especially this "crushing" I didn't just walk off, I was told it was break and that the tank light was on n it needed to fill up n that whoever was feeding stopped. So when every disbursed I started the crusher up. So no I just don't...

Mill Group Chat | You, Brian, Don, & 8

RB Robert Baumann 4/6 1:13 PM  
Ronnell Fondren everything is still running we can't just walk off of especially this "crushing"

Mill Group Chat | You, Brian, Don, & 8

JS John Spears 4/6 1:12 PM  
Since we're trying to establish a culture of safety, we need to know were everyone is incase someone needs help. Personal initiative is great but we need to communicate with the chain of command for safety first.

Mill Group Chat | You, Brian, Don, & 8

RF Ronnell Fondren 4/6 1:11 PM  
Robert Baumann Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments Why is it that when I take initiative there's always this and that, when no one else has been on top of it but "ME". but it's whatev..

Mill Group Chat | You, Brian, Don, & 8

RF Ronnell Fondren 4/6 1:09 PM  
Mmmmmk...

Mill Group Chat | You, Brian, Don, & 8

JS John Spears 4/6 1:08 PM  
Very good.

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**Mill Group Chat** | You, Brian, Don, & B

Robert Baumann 4/6 1:08 PM  
Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments...

**Mill Group Chat** | You, Brian, Don, & B

John Spears 4/6 1:07 PM  
Ronnell Fondren thank you but you need to communicate with Robert Baumann before you move to another area.

**Mill Group Chat** | You, Brian, Don, & B

Ronnell Fondren 4/6 1:05 PM  
Robert Baumann Yep I am planning on Jim crushing this AF Gotcha, well I already started it when everyone took break...

**Mill Group Chat** | You, Brian, Don, & B

John Spears 4/6 1:04 PM  
Very good.

**Mill Group Chat** | You, Brian, Don, & B

Robert Baumann 4/6 1:04 PM  
Yep I am planning on Jim crushing this AF...

**Mill Group Chat** | You, Brian, Don, & B

John Spears 4/6 1:02 PM  
The primary rose tank is a little below half when I checked at 1030am today. Auxiliary tank is full.

**Mill Group Chat** | You, Brian, Don, & B

Ronnell Fondren 4/6 1:00 PM  
Robert Baumann someone needs to check and make sure the primary tank isn't low, and if it is then, rock will need to be sent up. Please n thank u...

**Mill Group Chat** | You, Brian, Don, & B

John Spears 4/5 10:41 AM  
We'll have it ready in 30 minutes...

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**Mill Group Chat** | You, Brian, Don, +8

Ronnell Fondren · 4/3 8:10 AM  
2 loads of rock is being brought down from the dry sheds...

**Mill Group Chat** | You, Brian, Don, +8

JS · John Spears · 4/4 8:10 PM  
Good job today everyone. I realize we were a man short but y'all stepped up and we had a good day. We'll continue with OGR for our next order. Then we have a couple of cream orders. I drove everyone of the forklifts today. Did an exam on each. Hope you all are doing the same. If you see a potential problem, let Rob...

**Mill Group Chat** | You, Brian, Don, +8

JS · John Spears · 4/4 8:10 AM  
Taking Ronnell to quarry.

**Mill Group Chat** | You, Brian, Don, +8

JS · John Spears · 4/4 8:15 AM  
Everyone done very well yesterday. Let's keep this going. Keep an eye out for hazards. Let's keep up with the safety exams.

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) · 4/3 11:49 PM  
Everyone be weather wise tomorrow... [image/jpeg]

**Mill Group Chat** | You, Brian, Don, +8

JS · John Spears · 4/3 8:05 AM  
I'm in the **mill**.

**Mill Group Chat** | You, Brian, Don, +8

JS · John Spears · 4/3 8:03 AM  
Good morning Crew! Let's continue with SO-316. We're about to finish the OGR for this order. Be sure to check in with your Safety exams.

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback · 3/31 5:01 PM  
[Happy Birthday Smile GIF by Travis Foster (GIF image!)]

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- Mill Group Chat** | You, Brian, Don, +8
- JS** John Spears 3/31 5:00 PM  
Cake and ice cream in the break room for Patrick's birthday.
- Mill Group Chat** | You, Brian, Don, +8
- JS** John Spears 3/31 1:40 PM  
Ronnell Fondren please see Rob. Crushing is not needed at this moment. Thanks. I understand. You need to communicate your intentions with Rob before moving to another task/job area. He may have a different assignment for you.
- Mill Group Chat** | You, Brian, Don, +8
- JT** Jeremy Talbert 3/31 12:55 PM  
Might be a thought before having to buy these expensive respirators just to see if improved any...
- Mill Group Chat** | You, Brian, Don, +8
- JM** Jessie Moles 3/31 12:54 PM  
No the air has not been rechecked yet...
- Mill Group Chat** | You, Brian, Don, +8
- JT** Jeremy Talbert 3/31 12:54 PM  
Its not near as dusty as was a week ago...
- Mill Group Chat** | You, Brian, Don, +8
- JT** Jeremy Talbert 3/31 12:53 PM  
Did they recheck air since we have gotten air system running better...
- Mill Group Chat** | You, Brian, Don, +8
- JM** Jessie Moles 3/31 12:53 PM  
Ronnell Fondren I have an N95 mask I can bring to you...
- Mill Group Chat** | You, Brian, Don, +8
- JM** Jessie Moles 3/31 12:52 PM  
Everyone make sure to have all the doors and windows open anytime the mill is operating AND have all the exhaust fans on.



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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/31 10:27 AM  
Yes...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/31 10:26 AM  
Do we have any more safety mask, the one I have is no good..

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/31 10:09 AM  
Robert Baumann [REDACTED] Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft Put some yellow caution tape up around the Conduit until it can be repaired. So no one steps on it or around it. Thanks guys Ryan Closser Jeremy Talbert...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/31 10:06 AM  
Hmm...

**Mill Group Chat** | You, Brian, Don, +8

**AS** Alex Snodgrass 3/31 10:03 AM  
Julie Ann Cureg sorry for the late confirmation, SO-580 is ready to go...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/31 10:03 AM  
[Captured photo] [Captured photo] Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/31 9:48 AM  
Incase you all need a frame of reference.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/31 9:48 AM  
[Media]



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Office (239) 829-5457

Mill Group Chat | You, Brian, Dorv, & B

Jessie Molesi 3/31 9:46 AM  
Robert Baumann Can you come to the main office break room?

Mill Group Chat | You, Brian, Dorv, & B

Jeremy Talbert 3/31 9:41 AM  
Okay...

Mill Group Chat | You, Brian, Dorv, & B

JS John Spears 3/31 9:35 AM  
Everyone. This is an MSHA Citation. Please re-hang all air hoses when finished using them. Everyone please respond.

Mill Group Chat | You, Brian, Dorv, & B

JS John Spears 3/31 9:33 AM  
[Media]

Mill Group Chat | You, Brian, Dorv, & B

Jordan Tidaback 3/31 9:30 AM  
[image]

Mill Group Chat | You, Brian, Dorv, & B

RB Robert Baumann 3/31 9:28 AM  
What is it we have nothing picked or ready...

Mill Group Chat | You, Brian, Dorv, & B

Julie Ann Cureg 3/31 9:25 AM  
Hi Alex Snodgrass I added the new BOL and Label for SO- 560 to its SO folder. They will pick it up today. Thanks!

Mill Group Chat | You, Brian, Dorv, & B

JS John Spears 3/31 9:15 AM  
Come to the break room now please. Let's get this started.

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**Mill Group Chat** | You, Brian, Don, +8

Alex Snodgrass 3/31 9:12 AM  
Be there shortly...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/31 9:12 AM  
Safety meeting in the break room. Please respond.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/31 9:06 AM  
Everyone Please come to the break room for a quick safety meeting.

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/31 8:58 AM  
Everyone come to the break room for a quick safety meeting. Please...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/31 7:15 AM  
Well thanks Jim. And thank you Julie as well..

**Mill Group Chat** | You, Brian, Don, +8

Julie Ann Cureg 3/31 6:52 AM  
Happy Birthday Pat 🎉🎉🎉

**Mill Group Chat** | You, Brian, Don, +8

Jim Hoover 3/31 6:51 AM  
Happy Birthday Patrick Lewis 21 Years old today or something like that .

**Mill Group Chat** | You, Brian, Don, +8

Russell Tidaback (You) 3/30 5:20 PM  
preventive maintenance prevents breakdowns. It goes the same with the body. Same principle when it comes to start up and shut down procedures.. if not followed, things get missed and over looked. Make sure you guys perform stretching exercises every morning and evening. As the temperatures start to change, so does...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/30 5:17 PM  
yep, the body is a machine. You dont take care if it and it will break down quicker than it should.

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/30 5:16 PM  
Jessie Molesi Thank you that is a great idea will help with stretching some unused muscles preventing injuries.  
Yes sir, I remember doing pt @ 4am when I was in rotc...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/30 5:15 PM  
I agree. Everyone should show up 15-20-30 minutes before 8am to do their stretching and get ready for the day.

**Mill Group Chat** | You, Brian, Don, +8

**JM** Jessie Molesi 3/30 5:15 PM  
Thank you that is a great idea will help with stretching some unused muscles preventing injuries.

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/30 5:13 PM  
Before start up we all need to do stretching exercises for 15 minutes. It's a good practice...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/30 5:01 PM  
Ryan Closser did you get this?

**Mill Group Chat** | You, Brian, Don, +8

**JM** Jessie Molesi 3/30 4:56 PM  
<https://aflweb.msha.gov/safetypro%20in%20a%20box/1G%2043%20OUT%20training%20modules%20surface%20MNM/Module%2016%20Manual%20handling%20of%20materials.PDF> Everybody Make sure to read over this document it has good information on how to manually handle materials.

**Mill Group Chat** | You, Brian, Don, +8

**JM** Jessie Molesi 3/30 2:57 PM  
Thank you to everybody for staying current with our forklift inspections and workplace exams.

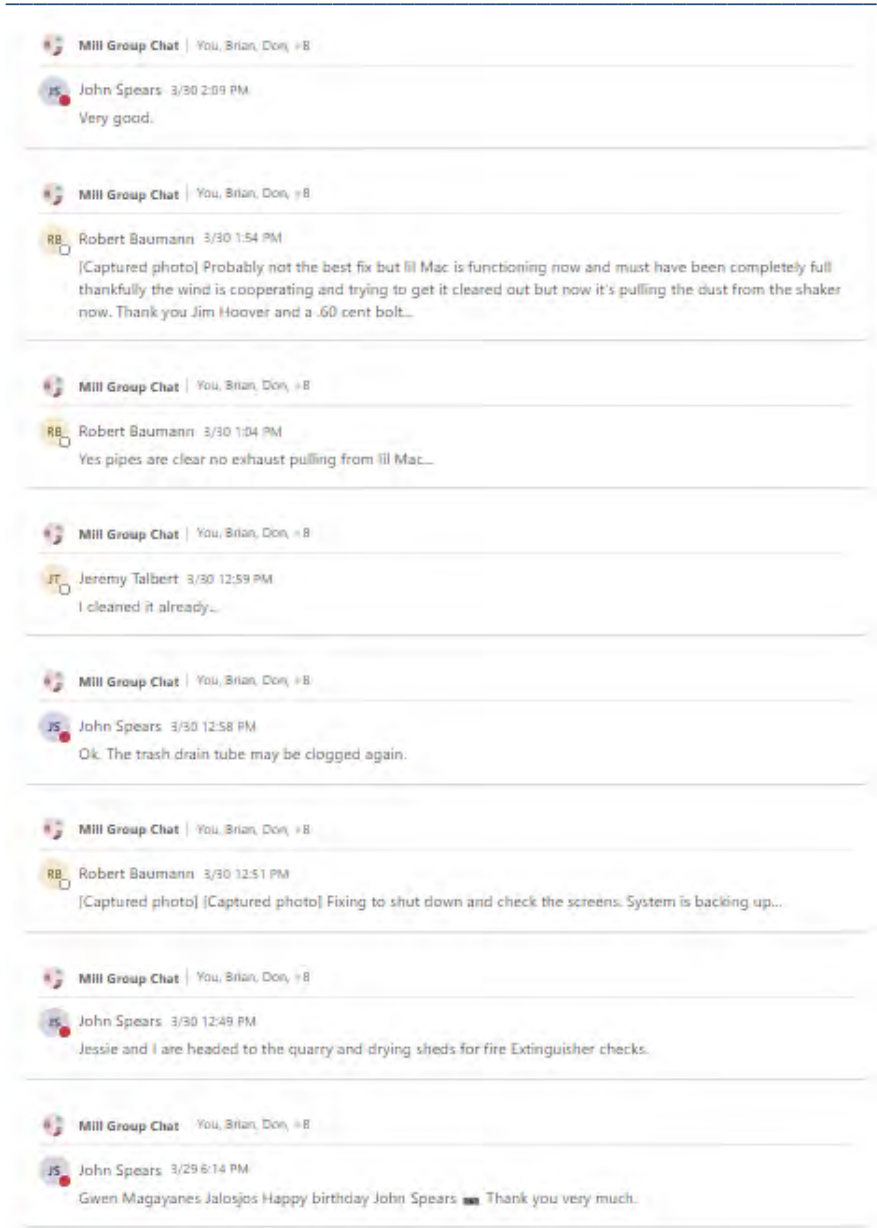


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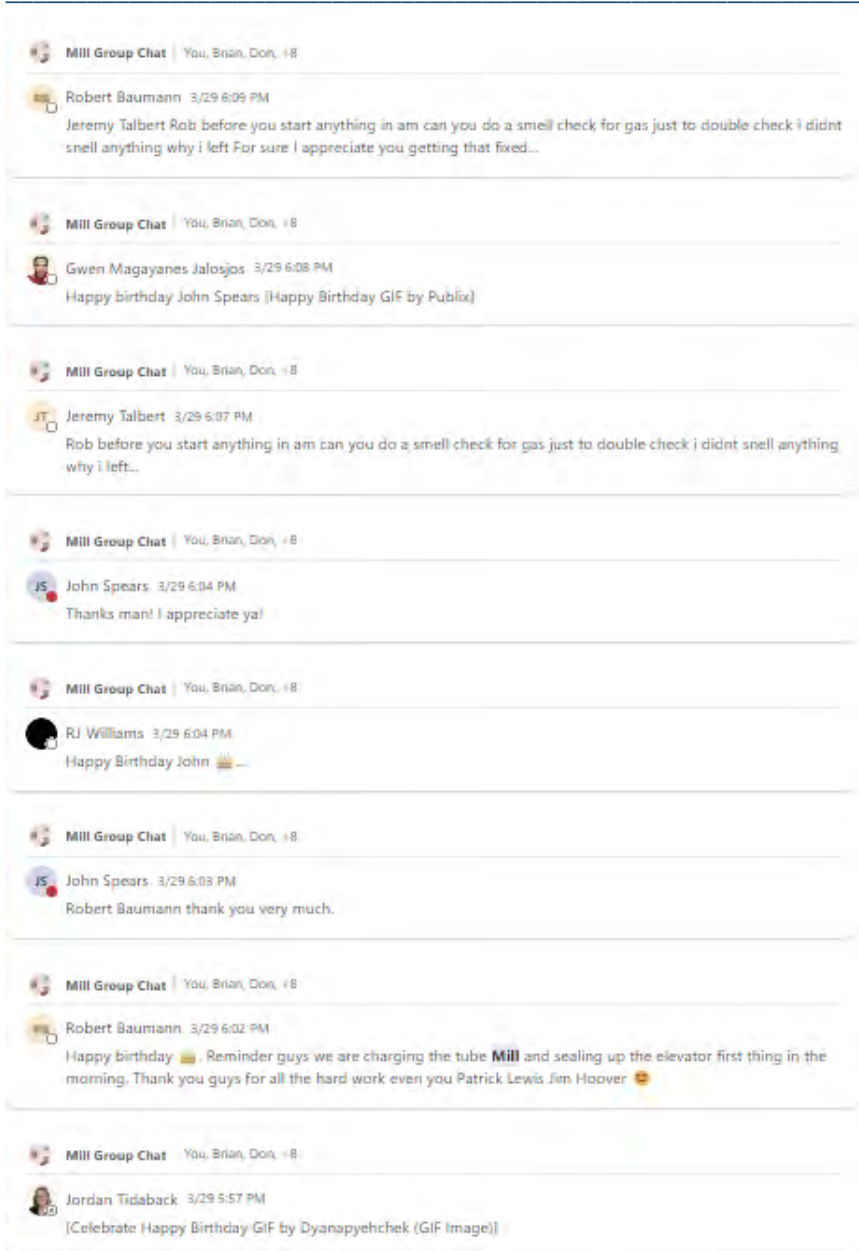
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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears: 3/29 4:59 PM  
Robert Baumann Ronnell Fondren Jim Hoover Patrick Lewis RJ Williams Jeremy Talbert Alex Snodgrass Jessie Molesil Jessie and Alex were really nice and got me a cake for my birthday so I got some ice cream to go with it. Ice cream and cake in the break room.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears: 3/29 10:31 AM  
Russell Tidaback Thanks John Spears Yes sir. 10 pounds of gas pressure will rear its ugly head.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/29 10:30 AM  
Thanks John Spears...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears: 3/29 10:27 AM  
Jeremy and I are working together on the gas line.

**Mill Group Chat** | You, Brian, Don, +8

**RE** Ronnell Fondren: 3/29 10:26 AM  
Maintenance guy said it was leaking at this joint to...

**Mill Group Chat** | You, Brian, Don, +8

**RE** Ronnell Fondren: 3/29 10:26 AM  
[Media]

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/29 10:26 AM  
Ronnell Fondren It would be best for you to tag your direct supervisor Robert Baumann, or the maintenance person Jeremy Talbert, or even John Spears regarding issues like this.

**Mill Group Chat** | You, Brian, Don, +8

**RE** Ronnell Fondren: 3/29 10:21 AM  
Needs fixed and double checked to make sure no lines or joints are leaking down there thank you...

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**Mill Group Chat** | You, Brian, Dory, +8

Ronnell Fondren 3/29 10:20 AM  
20230329\_085038.jpg20230329\_085052.jpg

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**Mill Group Chat** | You, Brian, Dory, +8

RB Robert Baumann 3/29 9:35 AM  
[Media] [Media]

---

**Mill Group Chat** | You, Brian, Dory, +8

RB Robert Baumann 3/29 9:34 AM  
John Spears can we see about getting a new bearing for the scroll on the bottom of the green monster this one is almost to the point of not functioning and tearing up other things than the bearing...

---

**Mill Group Chat** | You, Brian, Dory, +8

JS John Spears 3/28 5:40 PM  
Good job today fellas. We'll continue with SO-316. We need to weigh each pallet and write the pounds on each pallet and a piece of paper.

---

**Mill Group Chat** | You, Brian, Dory, +8

JS John Spears 3/28 10:05 AM  
GOOD NEWS!!! NO 10-HIGH STACKING. WOO HOO!!!

---

**Mill Group Chat** | You, Brian, Dory, +8

JS John Spears 3/28 9:43 AM  
[\[https://us-api.asm.skype.com/v1/objects/0-cus-d7-849bdf82f0c51e22c7b0324e6eccd3ee/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-cus-d7-849bdf82f0c51e22c7b0324e6eccd3ee/views/imgo)

---

**Mill Group Chat** | You, Brian, Dory, +8

Ronnell Fondren 3/28 9:31 AM  
John Spears We'll be able to stack seven high then move to an elevated transfer location. Does this elevated platform have 3 points of contact? And even if so you still can't safely carry 100lbs up the platform without having 3 points of contact...

---

**Mill Group Chat** | You, Brian, Dory, +8

JS John Spears 3/28 9:29 AM  
Ronnell Fondren How are we stacking the pallets that are 10 high? We'll be able to stack seven high then move to an elevated transfer location.

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**MIII Group Chat** | You, Brian, Don, & B

**Ronnell Fondren** 3/28 8:46 AM  
How are we stacking the pallets that are 10 high?

**MIII Group Chat** | You, Brian, Don, & B

**Russell Tidaback (You)** 3/24 5:32 PM  
Ah, okay. Now that makes sense. Thanks Rob.

**MIII Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/24 5:31 PM  
No we didn't fix it was going to ask John's opinion on how to deal with the issue...

**MIII Group Chat** | You, Brian, Don, & B

**Russell Tidaback (You)** 3/24 5:29 PM  
Okay. Do you mean you fixed the leak or turned off the valve to the machine, so now no air is getting to the machine. I'm not sure what isolated means in your message.

**MIII Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/24 5:27 PM  
Well air is just pouring past the valves straight out the stack...

**MIII Group Chat** | You, Brian, Don, & B

**Russell Tidaback (You)** 3/24 5:26 PM  
What do you mean by isolated?

**MIII Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/24 5:20 PM  
[Captured photo] Isolated a major air problem on bottom left air solenoids on Mac...

**MIII Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/24 5:19 PM  
[Captured photo] [Captured photo] So the double ground screens are beyond patching got one set left and prepared for installation first thing Monday...

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MIII Group Chat | You, Brian, Don, & B

Ronnell Fondren 3/24 2:51 PM  
Robert Baumann can you unlock gat to dump load of rock...

MIII Group Chat | You, Brian, Don, & B

Jordan Tidback 3/24 1:08 PM  
Alex Snodgrass may be able to help. We briefly went over it yesterday. Alex, send me a message in the Operations chat if you need help and we can walk through it together.

MIII Group Chat | You, Brian, Don, & B

JS John Spears 3/24 1:02 PM  
Julie Ann Cureg Hi John Spears can I have the signed BOL for SO-576 if you already have it? Thanks! Will do. I'm on a parts run so it'll be about 40 minutes.

MIII Group Chat | You, Brian, Don, & B

Julie Ann Cureg 3/24 12:59 PM  
Hi John Spears can I have the signed BOL for SO-576 if you already have it? Thanks!

MIII Group Chat | You, Brian, Don, & B

RF Ronnell Fondren 3/24 12:45 PM  
If this has been sitting here for a few days don't you think you should have more than one person on it? THIS IS A TEAM EFFORT RIGHT OR IS THERE A "I" IN TEAM.

MIII Group Chat | You, Brian, Don, & B

JS John Spears 3/24 12:45 PM  
Seen it myself.

MIII Group Chat | You, Brian, Don, & B

RF Ronnell Fondren 3/24 12:44 PM  
[Selected photo] [Selected photo]

MIII Group Chat | You, Brian, Don, & B

RF Ronnell Fondren 3/24 12:38 PM  
John Spears WHERE ARE YOU @ because I was bagging and stacking pallets and then Rob come over and said he would do it for me to go down and clean up what's been sitting for days and he just stood there and didn't even do anything.

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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/24 12:25 PM  
Good deal

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/24 12:25 PM  
[Captured photo] [Captured photo] 50-576 2 bulk bags Julie Ann Cureg...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/23 1:22 PM  
Jim Hoover It's actually the quarry departments responsibility to take care of the crushing .Team effort but ok...

**Mill Group Chat** | You, Brian, Don, +8

**JH** Jim Hoover 3/23 1:22 PM  
It's actually the quarry departments responsibility to take care of the crushing .

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/23 1:20 PM  
Robert Baumann We are hand stacking so we are utilizing all mill associate's we could actually use your muscles  
You're standing outside, the primary tank isn't full.

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 1:18 PM  
Ronnell Fondren Robert Baumann can we get someone to crush the Rock? We are hand stacking so we are  
utilizing all mill associate's we could actually use your muscles...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/23 1:06 PM  
Robert Baumann can we get someone to crush the Rock?

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/23 1:54 AM  
Alex Snodgrass check pallets.





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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/23 10:40 AM  
Russell Tidaback John Spears Jeremy Talbert I think I noticed one the last time I was there on the shelving in the maintenance area. Good or bad... no idea, just an fyi. We'll look for it.

**Mill Group Chat** | You, Brian, Don, +8

**RT** Russell Tidaback (You) 3/23 10:39 AM  
John Spears Jeremy Talbert I think I noticed one the last time I was there on the shelving in the maintenance area. Good or bad... no idea, just an fyi.

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:37 AM  
Both "spares" on the packer system are set up different and have different specs...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:36 AM  
[Media] [Media]

**Mill Group Chat** | You, Brian, Don, +8

**RT** Russell Tidaback (You) 3/23 10:27 AM  
Especially from an OSHA/MSHA perspective. Thanks guys!

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:16 AM  
Even in-between dumping we should keep it shut for liability purposes I will help keep an eye on it it's my responsibility to make sure it's locked and shut at start up and shut down...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/23 10:14 AM  
Robert Baumann Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren It's open because we was going to dump another load, if you got around to crushing the rock. But I'll let Max know...mmk...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 10:10 AM  
[Captured photo] Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area Ronnell Fondren...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:05 AM  
perfect!

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/23 10:04 AM  
Russell Tidaback "whole top of the regulator on fourth floor was blown out we desperately need one"... pic? And John Spears can we take the one off the #2 bagger and replace this one on the fourth floor? Jeremy and I will get those switched.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:08 AM  
Robert Baumann Thanks and yep, everywhere we hear air leaking is money being wasted. Just like a dripping water faucet. We need to address the leaks. If I remember correctly, Jim was tasked to create a list of everywhere he found an air leak. Did this ever get completed?

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 10:00 AM  
I believe the regulator on the unused bagger and the one on the 4th floor vacuum pressure compressor are the same blade regulator.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 9:59 AM  
John Spears can we take the one off the #2 bagger and replace this one on the fourth floor?

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 9:50 AM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] Got these leaks slowed down and gained 4 psi but the whole top of the regulator on fourth floor was blown out we desperately need one it's pouring out air way worse than it was Pat and I got the top back on but it's leaking really bad...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 8:57 AM  
Awesome, Rob, thanks. FYI all, we have three new team members joining us today. Jeremy - Maintenance, Jessie - Safety, and Alex - Production coordinator. It will take some time this morning to get these guys set up, but you will start seeing them today. We need to finish SQ-304 from yesterday and start on SQ-316. 316...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/23 8:43 AM  
I'm trying to figure out the air pressure issues now RJ Williams Jim Hoover replace the g-40 bearing and we will repair the screen tomorrow evening so it can dry all weekend and look into finished product filters. Patrick Lewis please lubricate first thing while system is heating up...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/23 7:37 AM  
That should be a cue Patrick Lewis that there is so much more to learn about the **mill**. The issues Jim brought up 1. G40 scroll bearing. 2. Dust on the 4th floor 3. Sock filters 4. Screens 5. 4th floor horizontal scroll 6. Bulk feed scroll 7. Little Mac air flow 8. Air compressor Air pressure 9. Dusty in **mill** All of...

**Patrick Lewis** 3/23 12:26 AM  
What huuuhhuhuhuhuhhu beavis...

**Patrick Lewis** 3/23 12:26 AM  
Uhhhhhh...

**Jim Hoover** 3/23 12:19 AM  
Bearing on G40 return very end on north side has been out for awhile the hanger bearing right by that needs TLC in morning the dust problem on the fourth floor needs addressed asap one of the issues is one or more of the 30 socks has a hole or the cage is crushed letting material flow thru, the screens need looked at...

**John Spears** 3/21 4:31 PM  
Thanks...

**Robert Baumann** 3/21 4:31 PM  
Coming out of both and the vacuum system upstairs is making an odd noise John Spears...

**RJ Williams** 3/21 4:29 PM  
We definitely need at least one or 2 more **mill** associates, between bagging and getting the pallets put to the side to start another is very challenging rn and me and pat are burnt out...

**John Spears** 3/21 4:07 PM  
Russell Tidaback Probably low vacuum pressure, tube clogged or loose filter. Actually it is coming out of the Donaldson exhaust. May have a compromised filter.



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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 4:05 PM  
Probably low vacuum pressure. tube clogged or loose filter.

**Mill Group Chat** | You, Brian, Don, +8

**JH** Jim Hoover 3/21 4:04 PM  
Wonder why? Plus can see back room from the palletizer wonder why? Anyone know why? Just wondering...

**Mill Group Chat** | You, Brian, Don, +8

**JH** Jim Hoover 3/21 3:59 PM  
Hey everyone we have product blowing out finish good classifier...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 3:40 PM  
at least what I see when Im there, always waiting on the bin light being on.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 3:39 PM  
I would think we were slow due to the machinery, not due to the people.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 3:39 PM  
If we do 1 bag per minute, switching out every 5 minutes...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 3:38 PM  
Robert Baumann Problem is we don't really have the people to do that we are running half throttle now How many people do you think are needed? Robert Baumann...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 3:38 PM  
The problem that I have seen is, during the startup and shutdown, many think this is goof off time instead of getting things ready for production today (startup) or getting things closed out for the day (shutdown). Its the mgmt teams responsibility to ensure everything gets done. Task out, verify when complete.

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Russell Tidaback (You) 3/21 3:35 PM

Yep, if we follow the guidance given, 1hr startup, 6 hours of producing, 1hr shutdown. Thats 8 hrs a day.

MIII Group Chat | You, Brian, Don, & B

JS John Spears 3/21 3:34 PM

I understand, 330pm still gives us an hour to clear the machinery.

MIII Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/21 3:33 PM

? Jim, Patrick, and RJ.

MIII Group Chat | You, Brian, Don, & B

RB Robert Baumann 3/21 3:32 PM

Russell Tidaback And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Problem is we don't really have the people to do that we are running half throttle now...

MIII Group Chat | You, Brian, Don, & B

JS John Spears 3/21 1:53 PM

Russell Tidaback And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Yep, I've been helping as well.

MIII Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/21 12:48 PM

And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person load the bag, two people stacking. Rotate one stacking to loading the bag, etc. I'm sure this is what you guys are...

MIII Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/21 12:36 PM

Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf Robert Baumann Make sure the guys are using the proper...

MIII Group Chat | You, Brian, Don, & B

Russell Tidaback (You) 3/21 12:18 PM

OSHA reg is 8 feet... and a 100# "10-high" is 61.5" tall and a 50# "10-high" is 60" tall...

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**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 12:07 PM

Also, ask the MSHA inspector for the MSHA reference as to how high a pallet can be stacked. We are not finding the reference.


**Mill Group Chat** | You, Brian, Don, +8

**Robert Baumann** 3/21 12:07 PM

Russell Tidaback The DGR part of SO-304 is also 5-highs.  Totally looked at it wrong our bad.

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/21 12:02 PM

The DGR part of SO-304 is also 5-highs. 


**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/21 11:48 AM

Ok. That "10" confused Rob and I. Thank you.

**Mill Group Chat** | You, Brian, Don, +8

**Jordan Tidaback** 3/21 11:46 AM

They're both 5 highs 

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/21 11:44 AM

The SO-304 list as a 10 layer.

**Mill Group Chat** | You, Brian, Don, +8

**Jordan Tidaback** 3/21 11:43 AM

Which order are we working on? I thought RepTec was a 5-high?

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/21 11:42 AM

Ok.



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**Mill Group Chat** | You, Brian, Doris, +8

**Robert Baumann** 3/21 11:41 AM  
John Spears Russell Tidaback Jim Hoover Patrick Lewis Jordan Tidaback RJ . Ok so msha seen the 10 stacking and said absolutely no so we will move to next order continuing 5 high unless Russell Tidaback has a better option they stated without a platform nothing over waist high...

**Patrick Lewis** 3/21 8:40 AM  
Ok good cuz I don't remember being serious either...

**Ronnell Fondren** 3/21 8:39 AM  
Patrick Lewis Did I say something funny?or are you laughing at me? Because I don't remember clowning. I would never laugh at u...

**Patrick Lewis** 3/21 8:38 AM  
Robert Baumann Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp Yes sir...

**Patrick Lewis** 3/21 8:38 AM  
Ronnell Fondren Lol Did I say something funny?or are you laughing at me? Because I don't remember clowning.

**Robert Baumann** 3/21 8:34 AM  
Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp...

**Ronnell Fondren** 3/21 8:31 AM  
Patrick Lewis Reckon I'll stay home and study then. Darn the luck Lol...

**Patrick Lewis** 3/21 8:31 AM  
Reckon I'll stay home and study then. Darn the luck...

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**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/21 8:28 AM  
No wrong answer...

**Mill Group Chat** | You, Brian, Don, +8

**PL** Patrick Lewis 3/21 8:28 AM  
The same 4 dudes digging the hole...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/21 8:24 AM  
If it takes 4 men to dig a hole, how many men will it take to dig half a hole?

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/20 10:42 AM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-2908 Julie Ann Cureg 20 bags OGR...

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/20 8:12 AM  
👉

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/20 8:08 AM  
Patrick Lewis Hey now we don't play about donuts now lol. Really?!?!?

**Mill Group Chat** | You, Brian, Don, +8

**PL** Patrick Lewis 3/20 8:05 AM  
Hey now we don't play about donuts now lol.

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/20 7:53 AM  
John Spears Good morning to y'all as well. I'm encouraged to have a good week as well. Mr. Longan will be here at 8am and get the burner/furnace working properly. We'll get paper sacks, slip sheets and pallets ready... John is bringing donuts this morning lol...



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**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/20 7:49 AM

Ronnell Fondren Goodoooooood Morning too Everyone! This is Will BE a great week Good morning to y'all as well. I'm encouraged to have a good week as well. Mr. Langan will be here at 8am and get the burner/furnace working properly. We'll get paper sacks, slip sheets and pallets ready so we can pack 100 pounders. We're on...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/20 7:20 AM

Well technically I could have said that at 0400, but I figured I'd let yal get more time in with your pillows...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/20 7:17 AM

Patrick Lewis What's this the cheer squad? Lol. It's 5 in the morning boys Th is really going on ronnel? Lol...

**Mill Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 3/20 6:41 AM

Lol...

**Mill Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 3/20 6:40 AM

What's this the cheer squad? Lol. It's 5 in the morning boys Th is really going on ronnel?

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/20 6:06 AM

Russell Tidaback It will be a great week! 🙌 Thanks Ronnell Fondren Yw...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/20 6:05 AM

It will be a great week! 🙌 Thanks Ronnell Fondren...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/20 5:58 AM

Goodoooooood Morning too Everyone! This is Will BE a great week...



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**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/16 1:31 PM  
Whoa big fellow, it surprisibgly gets easier the more you stack lol...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/16 1:29 PM  
Patrick Lewis I loaded a whole pallet of 100 pounders all by myself. Those electrician guys worked me like a rented mule.

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/16 1:15 PM  
Lol...

**Mill Group Chat** | You, Brian, Don, +8

Patrick Lewis 3/16 1:15 PM  
Then why is it not done yet sir?

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/16 1:13 PM  
Pretty sure I can fix.

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/16 12:30 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] The plate than ran across the front of the hammer mill caught and tore up so the hammer mill is down...

**Mill Group Chat** | You, Brian, Don, +8

JS John Spears 3/16 10:25 AM  
Robert Baumann John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off Ok. I'll look at it.

**Mill Group Chat** | You, Brian, Don, +8

RB Robert Baumann 3/16 10:23 AM  
John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the control motor to work it keeps kicking it off...



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**MIII Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/16 9:33 AM  
Robert Baumann Packer still not operational so going back to producing bulk bags Mr. Ulmer is coming back this morning.

**MIII Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/16 9:30 AM  
Packer still not operational so going back to producing bulk bags...

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/16 7:47 AM  
Oh nice. Thanks john.

**MIII Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/16 7:34 AM  
Russell Tidaback I'll find the wire for sure. Jim said it is a rubber flex conduit.

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/16 6:24 AM  
Robert Baumann I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it Robert Baumann We don't need to shut the building down. Tape off the area so no one can step on it or near it. We need to run production. John will troubleshoot where the wires are and deal...

**MIII Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/15 10:09 PM  
Russell Tidaback We have spoken with Jeremy. Ok...

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/15 9:55 PM  
We have spoken with Jeremy.

**MIII Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/15 8:48 PM  
I have a maintenance guy that wants to work as soon as possible, his name is Jeremy...

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**Mill Group Chat** | You, Brian, Dorv, + 8

**Russell Tidaback (You)** 3/15 5:47 PM

Yep, glad it was discovered and no one got hurt by it. find where the wires are, trace the wire run back to the breaker box, make sure the power is turned off, remove the wires and conduit. Not a big deal but still something someone should have done back when they cut the wires at the floor when they removed whatever...

**Mill Group Chat** | You, Brian, Dorv, + 8

**Russell Tidaback (You)** 3/15 5:42 PM

lol... that place is crazy!

**Mill Group Chat** | You, Brian, Dorv, + 8

**JS** John Spears 3/15 5:41 PM

That's what we'll do. I thought I'd seen all of the oddities here at the **mill**. We'll get it traced down. Glad it was discovered.

**Mill Group Chat** | You, Brian, Dorv, + 8

**Russell Tidaback (You)** 3/15 5:37 PM

go ahead and tape the area off to keep people from walking near it until we can find what circuit breaker its on.

**Mill Group Chat** | You, Brian, Dorv, + 8

**Russell Tidaback (You)** 3/15 5:36 PM

stepping on it with boots on wouldnt shock you... walking across barefoot... yes then it would.

**Mill Group Chat** | You, Brian, Dorv, + 8

**RB** Robert Baumann 3/15 5:35 PM

John Spears I wonder how long it's been like that? I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it...

**Mill Group Chat** | You, Brian, Dorv, + 8

**Russell Tidaback (You)** 3/15 5:35 PM

but yes, we need to find the breaker that controls those wires and if not used for anything else, lock it out until we can get the wires removed. In the meantime, do we have any rubberized dip like you dip your tool handle in to pour over the wires to protect from shocking anyone?

**Mill Group Chat** | You, Brian, Dorv, + 8

**Russell Tidaback (You)** 3/15 5:33 PM

Ask Jim if he knows if a machine was at that location during his employment. Is this area on your right as you are walking from the bagger stand to the control room? What would be on the first floor in that area? The tube **mill** gear box?

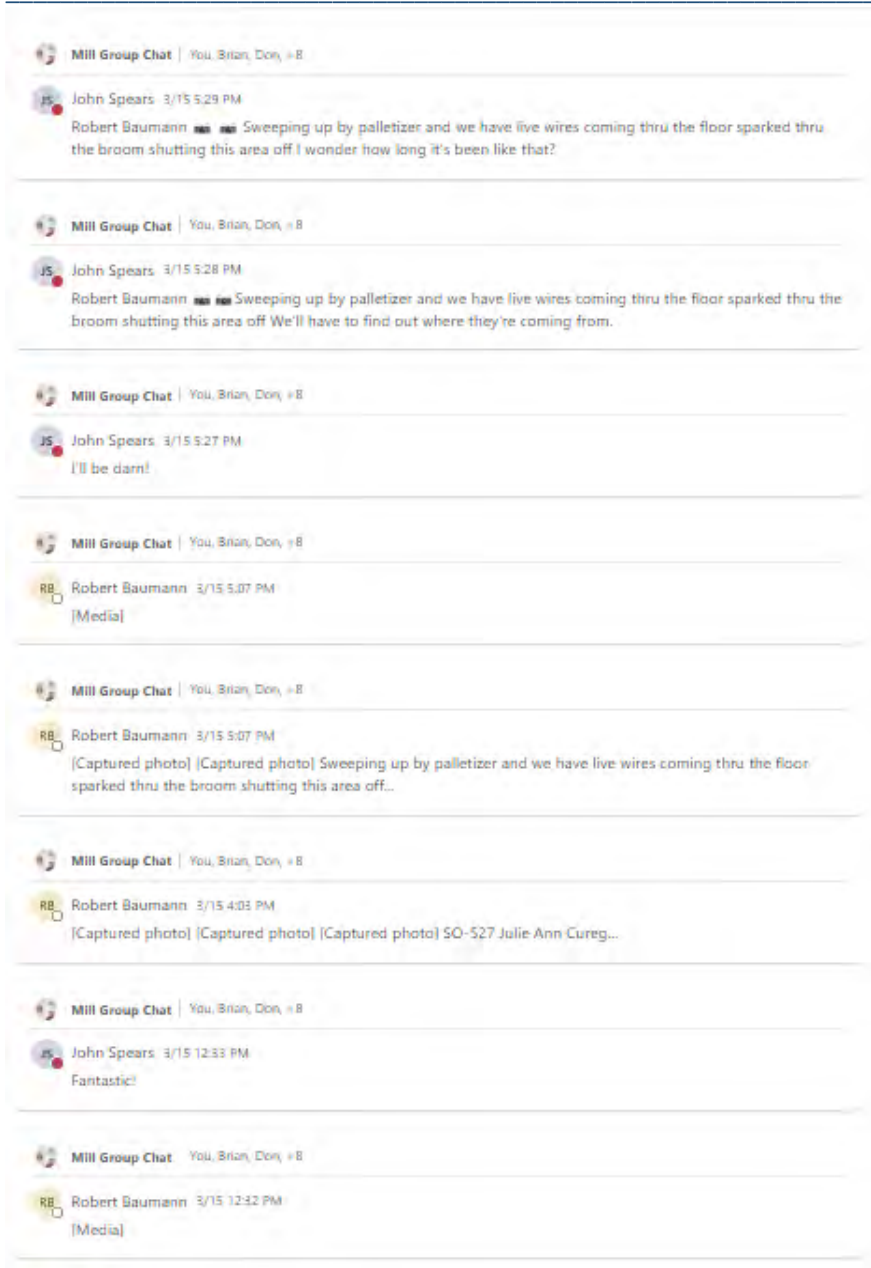


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**Mill Group Chat** | You, Brian, Dory, + 8

Jordan Tidaback 3/15 12:31 PM  
Robert Baumann Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here Robert Baumann - I'm sure you've already taken care of it, but please just remember to loto the classifier elevator.

**Mill Group Chat** | You, Brian, Dory, + 8

JS John Spears 3/15 12:04 PM  
Ronnell Fondren Ok I'll get ahold of him now Thanks...

**Mill Group Chat** | You, Brian, Dory, + 8

RF Ronnell Fondren 3/15 12:04 PM  
Ok I'll get ahold of him now...

**Mill Group Chat** | You, Brian, Dory, + 8

JS John Spears 3/15 12:04 PM  
Ronnell Fondren Jim is loading rock today. Jim said if yall need him there to let him know We could use him.

**Mill Group Chat** | You, Brian, Dory, + 8

RF Ronnell Fondren 3/15 12:03 PM  
Jim is loading rock today. Jim said if yall need him there to let him know....

**Mill Group Chat** | You, Brian, Dory, + 8

RB Robert Baumann 3/15 11:50 AM  
Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here...

**Mill Group Chat** | You, Brian, Dory, + 8

JS John Spears 3/15 10:55 AM  
Robert Baumann John Spears snapped this collar Just like the old one.

**Mill Group Chat** | You, Brian, Dory, + 8

Russell Tidaback (You) 3/15 10:53 AM  
What in the world??? Is that from the Classifier Elevator?

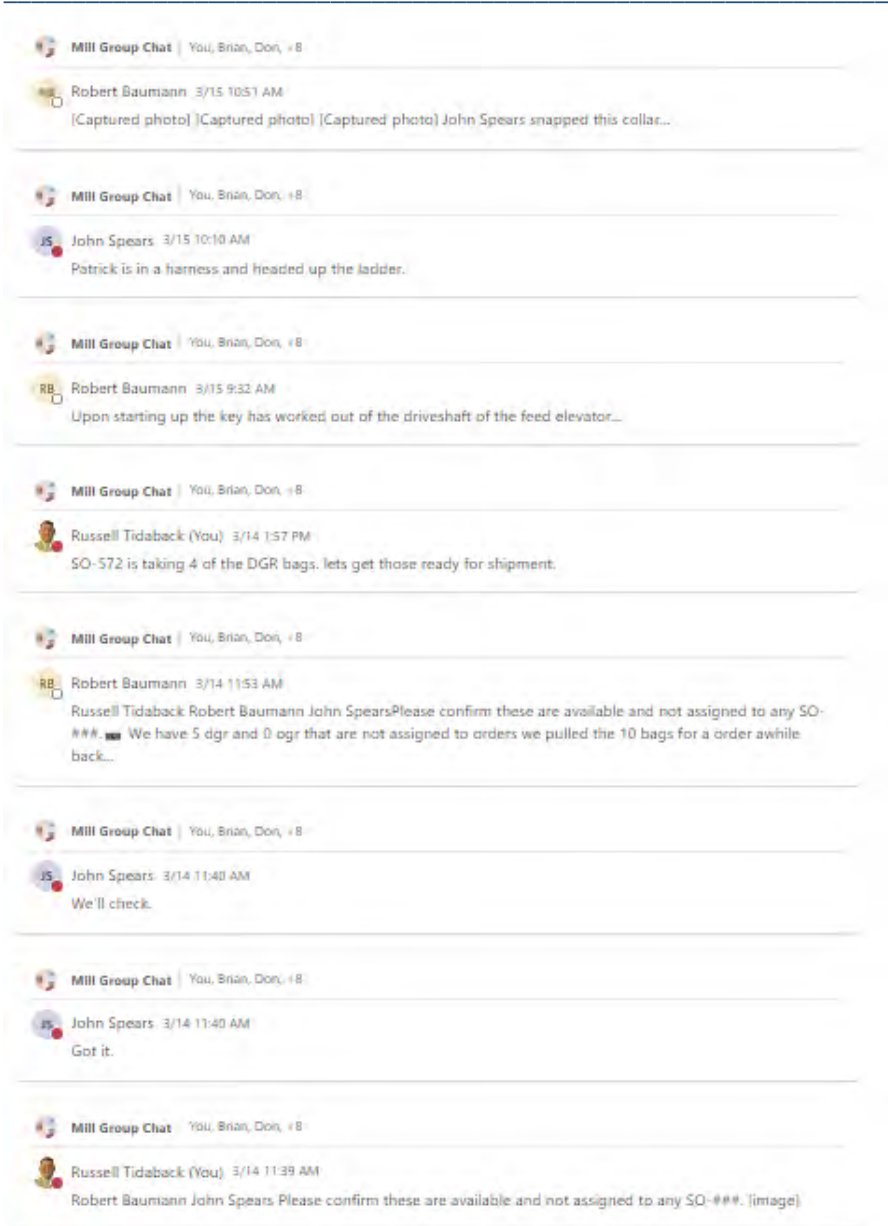


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**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann · 3/14 9:11 AM

Jordan Tidaback Robert Baumann is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated. Yes you can let them know it's fixed...

**Mill Group Chat** | You, Brian, Don, +8

John Spears · 3/14 9:06 AM

Jordan Tidaback Robert Baumann is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated. Yes. The forklift is ready for use.

**Mill Group Chat** | You, Brian, Don, +8

Jordan Tidaback · 3/14 9:04 AM

Robert Baumann is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated.

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann · 3/14 9:00 AM

The Toyota forklift is repaired and is good to use...

**Mill Group Chat** | You, Brian, Don, +8

John Spears · 3/14 8:59 AM

Good morning crew. We'll get the hammer mill put back while the burner is warming up. We'll need to clean off the dryer feeder belt of the big chunks. We'll then continue with bulk bags.

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann · 3/13 2:41 PM

[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo]  
SQ488 Julie Ann Cureg...

**Mill Group Chat** | You, Brian, Don, +8

John Spears · 3/13 2:30 PM

Robert Baumann John Spears something broke inside the pulverizer Ok. We'll dig into it.

**Mill Group Chat** | You, Brian, Don, +8

Robert Baumann · 3/13 2:29 PM

[Media]

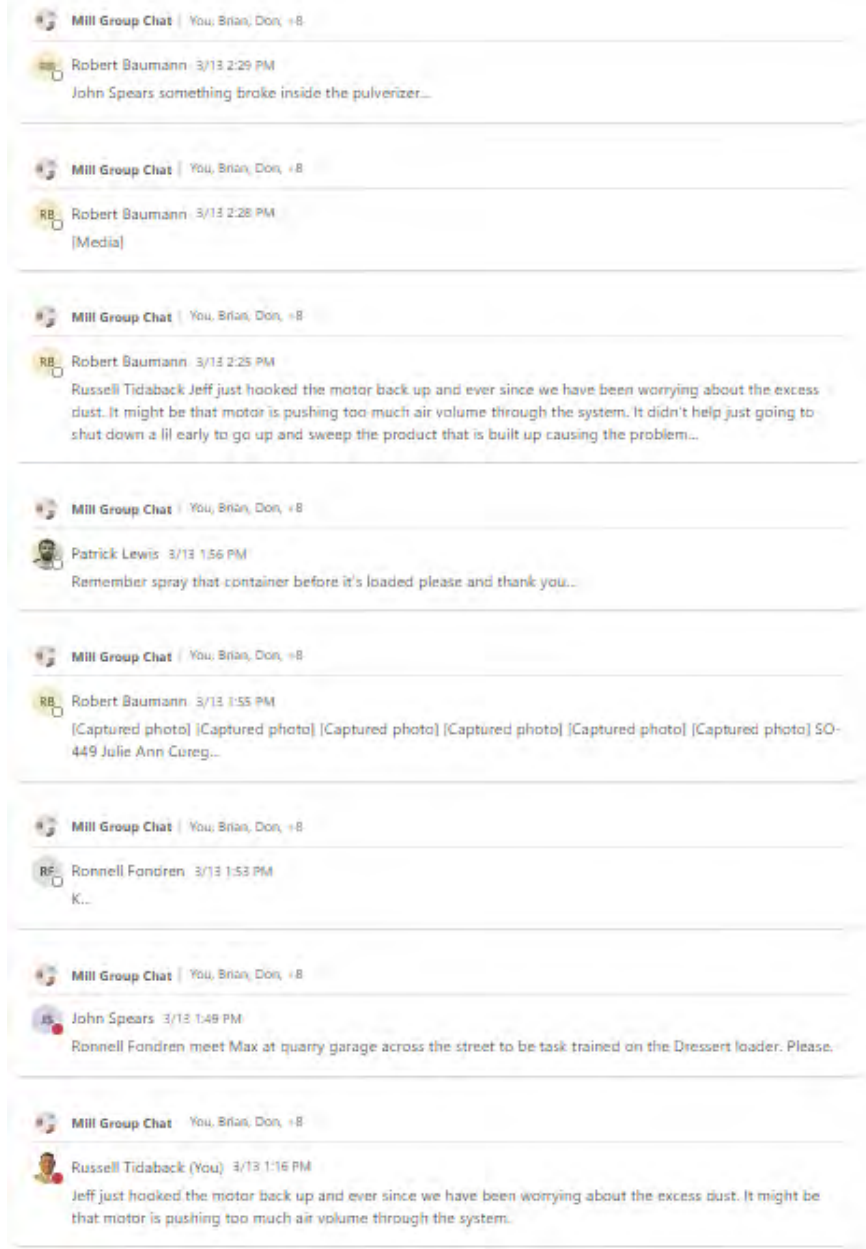
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**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/13 1:15 PM  
From what I remember, Doug had that motor disconnected.

---

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/13 1:14 PM  
The blower motor outside, by the roll up door by the ramp. I'm thinking the is giving us the excess dust. Ever since Jeff repaired that motor we've been dealing with excess dust. Robert Baumann turn that blower motor off and let's see if this solves any excess dust issue.

---

**MIII Group Chat** | You, Brian, Don, +8

**Rennell Fondren** 3/13 12:53 PM  
Russell Tidaback Jordan Tidaback John Spears I have a guy that is needing work I've known him for 4 yrs and he is a very hard worker and always on time, he is a good fit maintenance and other tasks as well his name is Jeremy and he just put a resume on indeed and talked to John Spears this morning...

---

**MIII Group Chat** | You, Brian, Don, +8

**RJ Williams** 3/13 12:51 PM  
Here to pick up SO 488...

---

**MIII Group Chat** | You, Brian, Don, +8

**RJ Williams** 3/13 12:50 PM  
Got another truck here it's a container...

---

**MIII Group Chat** | You, Brian, Don, +8

**Jim Hoover** 3/13 11:47 AM  
Its leaving our property I could not even see thru it coming out green stack...

---

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/13 10:32 AM  
Jim Hoover you mentioned changing the one or two puffing air... probably need to do this late the afternoon if possible.

---

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/13 10:31 AM  
Yes, we are replacing the filters.



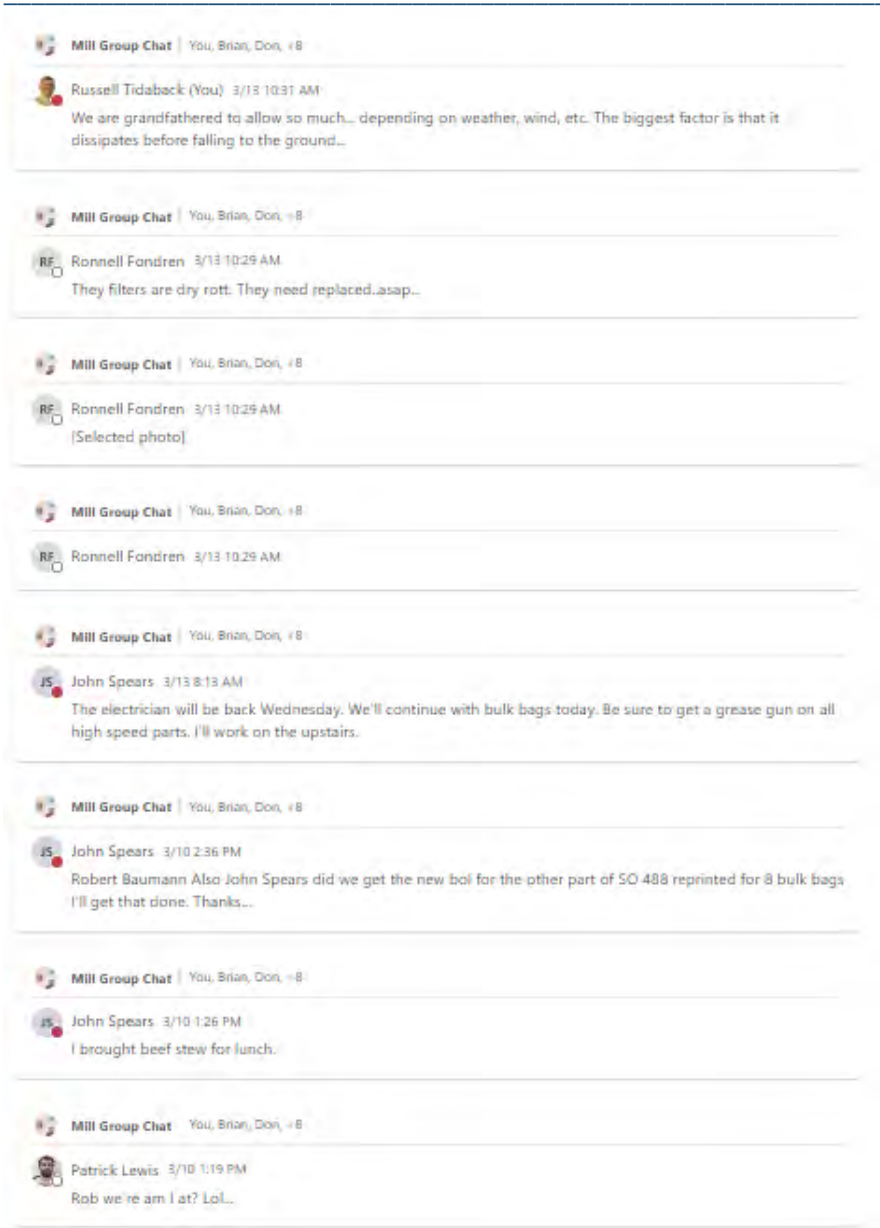


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**Mill Group Chat** | You, Brian, Dorey, & B

**Ronnell Fondren** 3/10 11:43 AM  
By the forklift...

**Mill Group Chat** | You, Brian, Dorey, & B

**RB** Robert Baumann 3/10 11:41 AM  
Ronnell Fondren where you at...

**Mill Group Chat** | You, Brian, Dorey, & B

**RB** Robert Baumann 3/10 10:22 AM  
Julie Ann Cureg Good morning John Spears. Can I have the scanned signed BOL for SO-447, please? Thank you!  
Also John Spears did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags...

**Mill Group Chat** | You, Brian, Dorey, & B

**Russell Tidaback (You)** 3/10 10:07 AM  
He is in an interview. It may be a little bit before he can get you this.

**Mill Group Chat** | You, Brian, Dorey, & B

**Julie Ann Cureg** 3/10 9:40 AM  
Good morning John Spears. Can I have the scanned signed BOL for SO-447, please? Thank you!

**Mill Group Chat** | You, Brian, Dorey, & B

**JS** John Spears 3/10 8:14 AM  
Good morning **Mill** Crew. We'll continue with DGR bulk bags. Robert Baumann task out the grease guns please.  
Dryer bed, outside bearings, scrolls. Etc.

**Mill Group Chat** | You, Brian, Dorey, & B

**Robert Baumann** 3/9 5:43 PM  
Yes...

**Mill Group Chat** | You, Brian, Dorey, & B

**Russell Tidaback (You)** 3/9 5:43 PM  
ah... yes. Robert Baumann can you get the paperwork to John so he can get it scanned to Julie Ann Cureg...



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**Mill Group Chat** | You, Brian, Don, + 8

**Julie Ann Cureg** 3/9 5:42 PM  
Which is they usually do...

**Mill Group Chat** | You, Brian, Don, + 8

**Julie Ann Cureg** 3/9 5:42 PM  
No.. I mean the scanned signed BOL...

**Mill Group Chat** | You, Brian, Don, + 8

**Russell Tidaback (You)** 3/9 5:42 PM  
Do you mean, is the driver still at the **mill**? Julie Ann Cureg...

**Mill Group Chat** | You, Brian, Don, + 8

**Julie Ann Cureg** 3/9 5:41 PM  
Robert Baumann Sorry I didn't know Are you still at the **mill**? If so, I need the BOL signed by the driver so I can email it to the customer.

**Mill Group Chat** | You, Brian, Don, + 8

**Russell Tidaback (You)** 3/9 5:41 PM  
there's a lot of moving pieces to shipping, especially exports.

**Mill Group Chat** | You, Brian, Don, + 8

**Russell Tidaback (You)** 3/9 5:41 PM  
Nope, you are good. Robert Baumann The shipper specific BOLs are a pain to deal with. Julie Ann Cureg will make sure the right one is used moving forward.

**Mill Group Chat** | You, Brian, Don, + 8

**Robert Baumann** 3/9 5:39 PM  
Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Sorry I didn't know...

**Mill Group Chat** | You, Brian, Don, + 8

**John Spears** 3/9 5:38 PM  
Russell Tidaback yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important. Yes sir.

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**MIII Group Chat** | You, Brian, Doris, + 8

**Russell Tidaback (You)** 3/9 5:33 PM

yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important.

**MIII Group Chat** | You, Brian, Doris, + 8

**JS** John Spears 3/9 5:31 PM

I sure will. I have wondered about the use of another company's BOL.

**MIII Group Chat** | You, Brian, Doris, + 8

**Russell Tidaback (You)** 3/9 5:26 PM

Guys, remember the BOLs are very important in shipping. It's the official transfer of ownership and liability for the product. When it comes to BOLs make sure these are correct! And remember Rob won't know if it's our BOL or shipper specific. He is only tasked to make sure "a" BOL is signed and pics are taken. We have to...

**MIII Group Chat** | You, Brian, Doris, + 8

**Julie Ann Cureg** 3/9 5:23 PM

Russell Tidaback Julie Ann Cureg make sure we don't create two BOLs... okay 😊 Doing so confuses the guys we they go to print the document. Ok. Sorry.

**MIII Group Chat** | You, Brian, Doris, + 8

**Russell Tidaback (You)** 3/9 5:22 PM

Julie Ann Cureg make sure we don't create two BOLs... okay 😊 Doing so confuses the guys we they go to print the document.

**MIII Group Chat** | You, Brian, Doris, + 8

**Russell Tidaback (You)** 3/9 5:20 PM

John Spears Make sure you verify the BOL when printing. If you don't see a BOL in the folder, ask Julie Ann Cureg to create one as there may be a shipper specific one needed. Don't assume all BOLs are the same.

**MIII Group Chat** | You, Brian, Doris, + 8

**Russell Tidaback (You)** 3/9 5:18 PM

Contact with to pick up the order...

**MIII Group Chat** | You, Brian, Doris, + 8

**Russell Tidaback (You)** 3/9 5:18 PM

You will have to email the shipper contact you made...

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**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:18 PM  
The driver is gone from the location so that won't work.

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:17 PM  
Us reaching out to them acknowledging the mistake, they may quickly make the change...

**MIII Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/9 5:17 PM  
Russell Tidaback Julie Ann Cureg see if you can email the shipper and let them know the wrong BOL was used. And send them theirs I mean the driver...

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:16 PM  
Julie Ann Cureg see if you can email the shipper and let them know the wrong BOL was used. And send them theirs...

**MIII Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/9 5:16 PM  
Russell Tidaback Julie Ann Cureg this is where you need to only create the BOL that is needed. Having the duplicate BOLs is confusing the guys at the location to print. Sorry for this. They have provided number maybe they can get back for the BOL?

**MIII Group Chat** | You, Brian, Don, +8

**Jordan Tidaback** 3/9 5:16 PM  
They usually send one last minute, but I think we can get better at asking if they have a bol they want us to use or should we use our own, when we reach out to schedule shipping. That way we know ahead of time.

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:16 PM  
Not a big deal but let's tighten up on the details.

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/9 5:15 PM  
With shipper specific BOLs, it's tough to to change last minute.





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**MIII Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/9 5:01 PM

Robert Baumann Got it handled John Spears Good deal. Thanks. I'll go back to Mr. Ulmer.

**MIII Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/9 5:00 PM

[Captured photo] [Captured photo] [Captured photo] Julie Ann Cureg SO-488 partial for air shipping 2 bulk bags...

**MIII Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/9 4:57 PM

Got it handled John Spears...

**MIII Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/9 4:55 PM

Robert Baumann I'm headed back to the office to print the new BOL. It got past 3:30 and I didn't think they were coming and I kinda forgot. Hold on.

**MIII Group Chat** | You, Brian, Don, +8

**JA** Julie Ann Cureg 3/9 4:51 PM

Robert Baumann. Here's the link to the folder  
[https://deedyco.sharepoint.com/:f/r/sites/American Tripoli Seneca MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20...](https://deedyco.sharepoint.com/:f/r/sites/American%20Tripoli%20Seneca%20MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20...)

**MIII Group Chat** | You, Brian, Don, +8

**JA** Julie Ann Cureg 3/9 4:51 PM

It is in the pick up order file. Please print that file together with the New BOL and give it to the driver...

**MIII Group Chat** | You, Brian, Don, +8

**JA** Julie Ann Cureg 3/9 4:50 PM

Robert Baumann Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg NNR GLOBAL LOGISTICS USA INC.1701 NICHOLAS BLVD ELK GROVE VILLAGE, IL 60007US...

**MIII Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/9 4:47 PM

We need to get this replaced, or it will eventually eat that belt up.

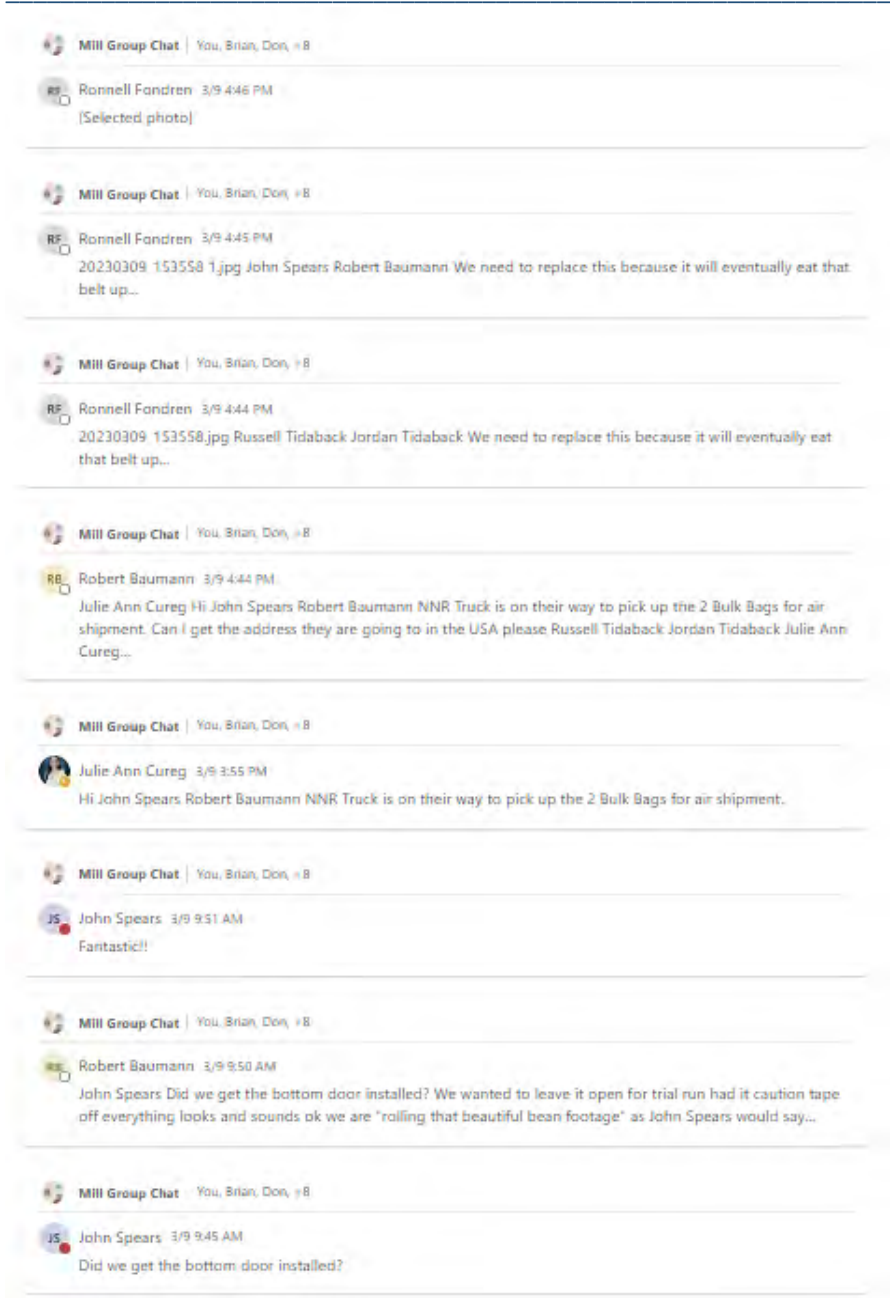
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MIII Group Chat | You, Brian, Don, +8

Robert Baumann 3/9 9:44 AM

Russell Tidaback okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done. Fixing to try the elevator now everything looks good...

MIII Group Chat | You, Brian, Don, +8

JS John Spears 3/9 9:48 AM

Russell Tidaback okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done. You bet. Greased lightening!

MIII Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/9 9:42 AM

okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done.

MIII Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/9 9:40 AM

That part of the exam takes the longest to do. It would help make the inspection and startup faster.

MIII Group Chat | You, Brian, Don, +8

JS John Spears 3/9 9:40 AM

Patrick and I greased the classifier elevator top bearings before we came down. Patrick turned the power back on as well. In our haste yesterday we forgot to grease the scroll while we were up there..

MIII Group Chat | You, Brian, Don, +8

Russell Tidaback (You) 3/9 9:37 AM

Someone, other than John, please examine the Classifier elevator bearings. Make sure these are greased, and relay what you see and do up there to John. Jim Hoover Patrick Lewis Ronnell Fondren Robert Baumann...

MIII Group Chat | You, Brian, Don, +8

JS John Spears 3/9 9:35 AM

Everyone be sure to complete your forklift and work area exams please. I'll do the maintenance exam..

MIII Group Chat | You, Brian, Don, +8

JH Jim Hoover 3/9 8:36 AM

That's some funny shit right there...

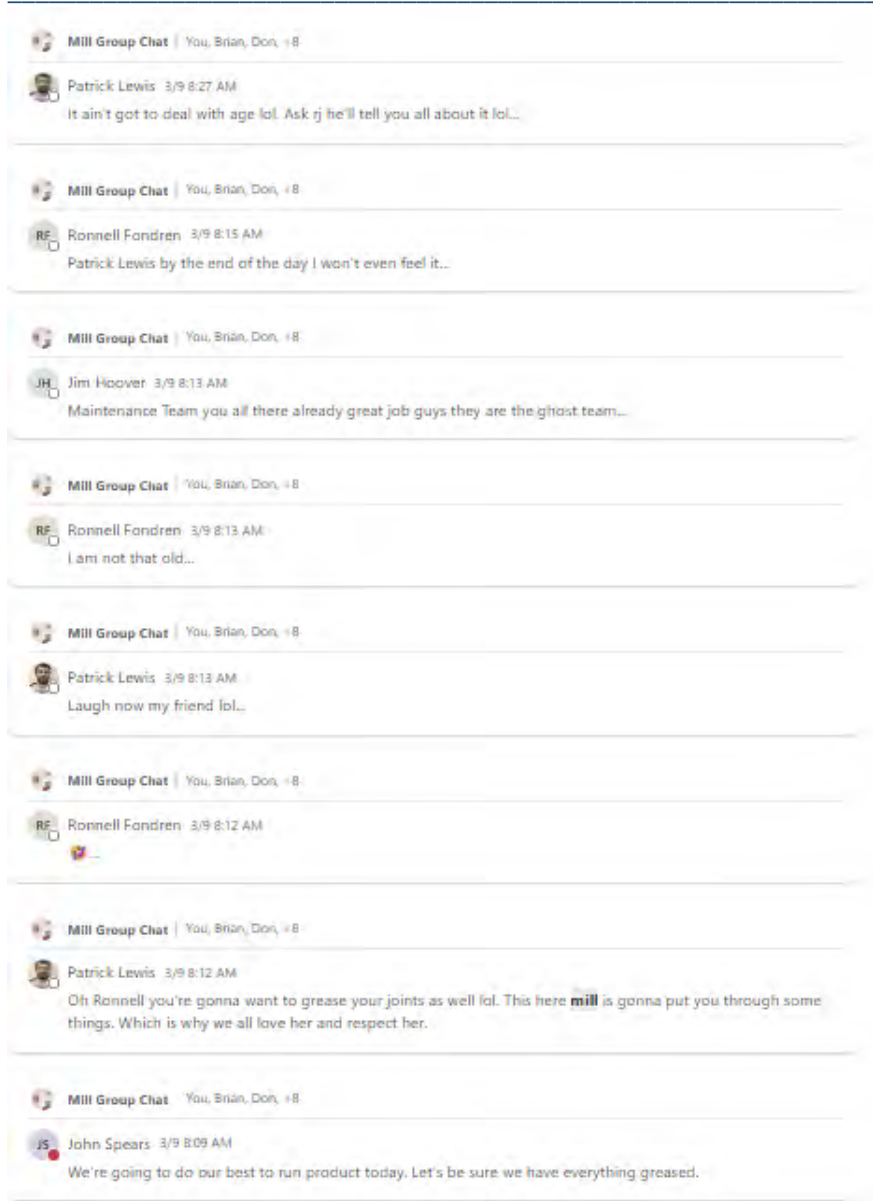
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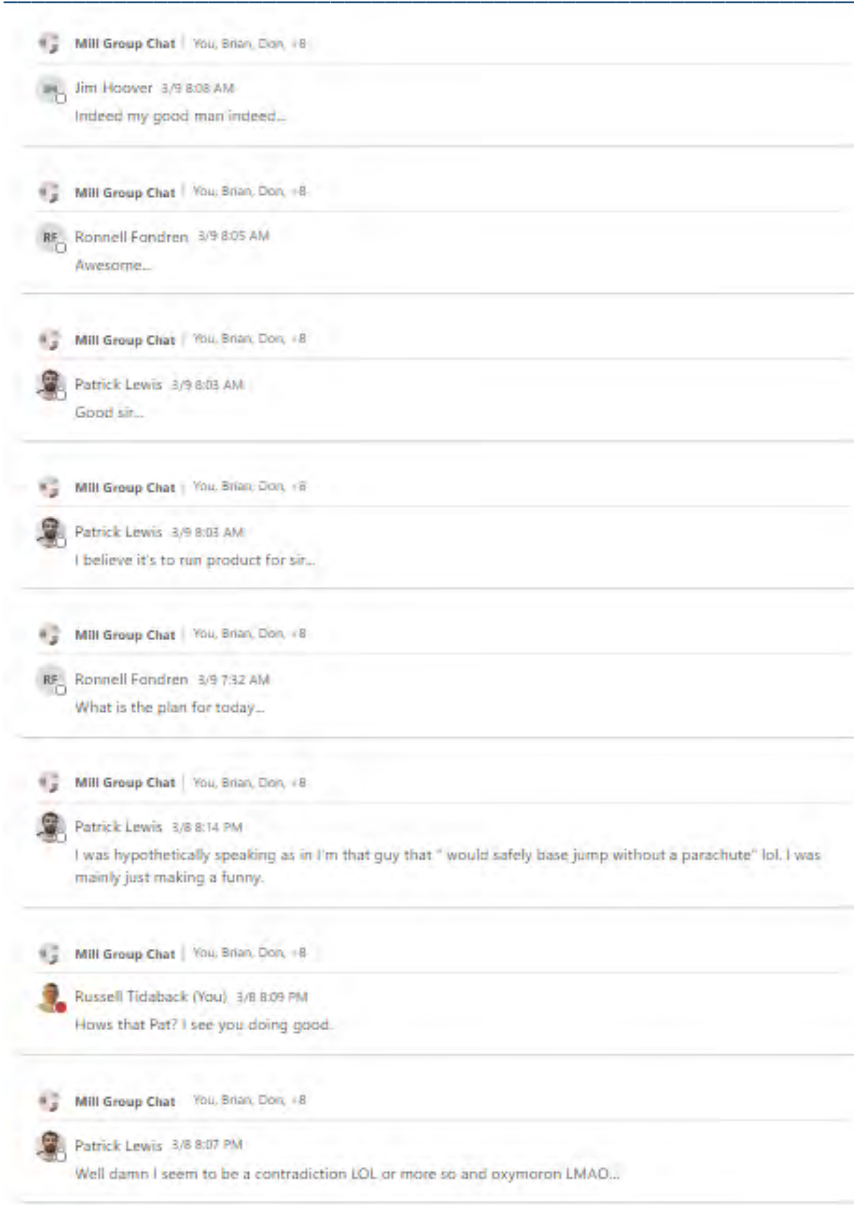
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**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/8 8:05 PM  
Exactly...

**Mill Group Chat** | You, Brian, Don, +8

**R** Russell Tidaback (You) 3/8 8:04 PM  
Remember... There is no I in team, and leadership isn't a position. It's an ethical decision. Do what is right, even when no one is watching. [Media]

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/8 7:55 PM  
"EVERYONE" did a good job today...

**Mill Group Chat** | You, Brian, Don, +8

**JH** Jimi Hoover 3/8 7:40 PM  
Awesome job guys next will be the palletizer and incline belt hopefully very soon in near future. RJ thanks for your help on the vacuum system and getting that hooked up today and for Lunch, I appreciated it, also Pat I already told you but I cleaned your office 🧹 not as well as I could do lack of time I will work on...

**Mill Group Chat** | You, Brian, Don, +8

**R** Russell Tidaback (You) 3/8 5:59 PM  
Thanks for all the work today guys! Big hoorah out to Patrick Lewis... at the this moment, him and John Spears are still finishing up on the classifier elevator bearing replacement project. Making the final touches so we can produce tomorrow. THANKS Patrick Lewis AND John Spears!!! The bagger is working again, we are...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/8 5:19 PM  
Russell Tidaback Robert Baumann SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request. Will do.

**Mill Group Chat** | You, Brian, Don, +8

**R** Russell Tidaback (You) 3/8 4:29 PM  
Robert Baumann SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request.

**Mill Group Chat** | You, Brian, Don, +8

**JA** Julie Ann Cureg 3/8 3:39 PM  
03/09 (tomorrow) is the pick-up date for these 2 Bags. They should send ETA tomorrow before they pick it up as per the shipper.

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**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/8 3:10 PM  
Hi John Spears, I added a new BOL, Shipping Label, and Pick-up order PDF to SO-488 (2 Bags Partial Order) Folder. As per the driver, please give a copy of BOL and Pick-up order to the driver. I'll just confirm the ETA and get back to you.

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/8 11:59 AM  
Ok...

**Mill Group Chat** | You, Brian, Don, +8

**Robert Baumann** 3/8 10:48 AM  
Ronnell Fondren Russell Tidaback John Spears Jordan Tidaback Robert Baumann We need another 100ft of air hose please and thank you We have other air hoses I will find you one...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/8 10:47 AM  
Can we get another 100ft of air hose please and thank you...

**Mill Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/8 10:45 AM  
Russell Tidaback John Spears Jordan Tidaback Robert Baumann We need another 100ft of air hose please and thank you...

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/8 10:39 AM  
Julie Ann Cureg Not yet but I messaged them already, I'll get back to you when they reply. Fantastic,

**Mill Group Chat** | You, Brian, Don, +8

**Julie Ann Cureg** 3/8 10:37 AM  
Not yet but I messaged them already. I'll get back to you when they reply.

**Mill Group Chat** | You, Brian, Don, +8

**John Spears** 3/8 9:59 AM  
Julie Ann Cureg John Spears I added the new BOL for SO-488 to its folder (8 bags). Is there an ETA for the SO-488 air freight pickup?



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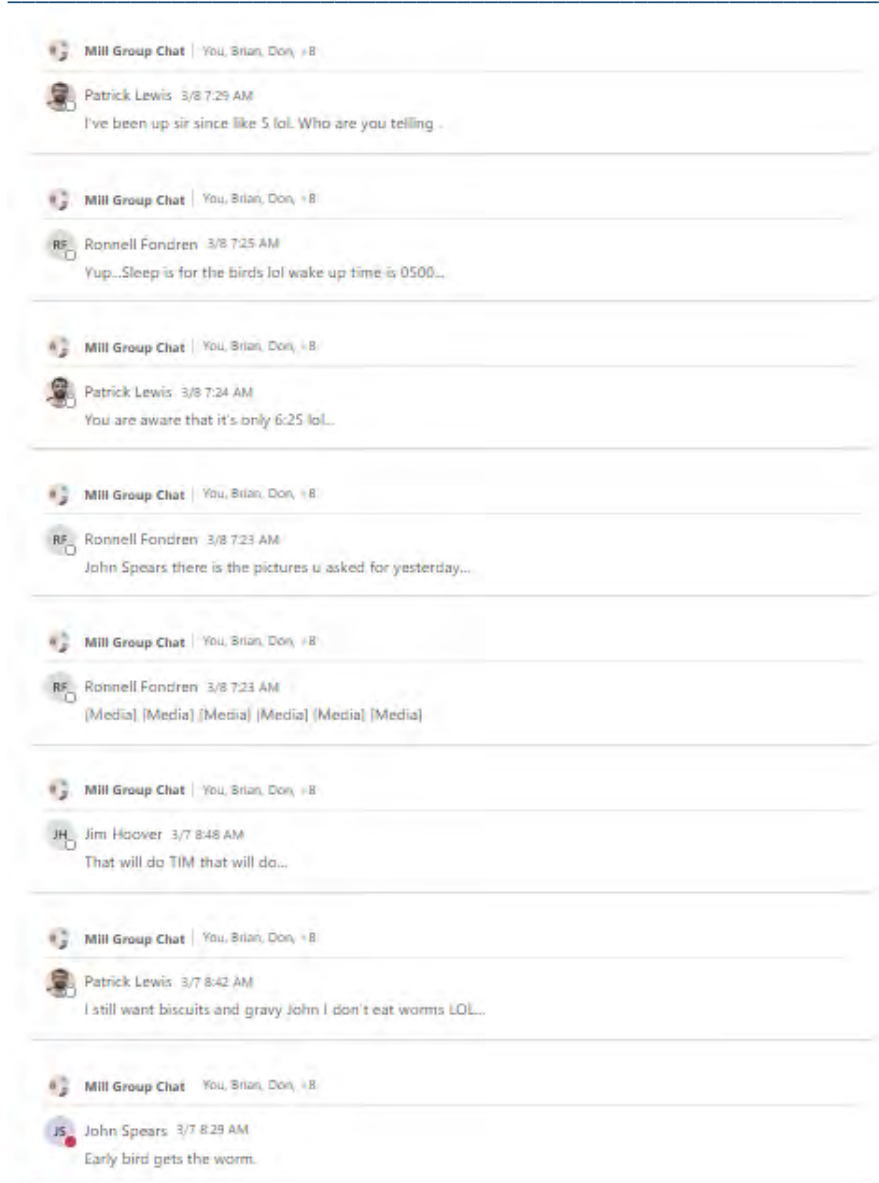
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**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/7 8:12 AM  
Good morning guys. Today Jim and I will work on the bagger. RJ and Rob please continue to work on cleaning out the vacuum system. John and Ron, Pat as ground safety, work on classifoer scroll bearings. Crane should be there at 8am. Rain doesn't, hopefully, show up until after 4pm today. Let's getter' done! 🙏 ...

**MIII Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 3/6 3:59 PM  
[Media] [Media] [Media]

**MIII Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 3/6 3:59 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d6-b987a0bd22f737a91a1d9f7f9cf9a8db/views/imgo] Little Mac vacuum system...

**MIII Group Chat** | You, Brian, Don, +8

**Ronnell Fondren** 3/6 2:26 PM  
Russell Tidaback John Spears Robert Baumann Patrick Lewis RJ Williams Jim Hoover can we get a snake to clean the vacuum/air system please and thank you....

**MIII Group Chat** | You, Brian, Don, +8

**John Spears** 3/6 11:52 AM  
Jordan Tidaback John Spears Robert Baumann Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow. Thank you.

**MIII Group Chat** | You, Brian, Don, +8

**Jordan Tidaback** 3/6 11:52 AM  
John Spears Robert Baumann Russell Tidaback, I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow.

**MIII Group Chat** | You, Brian, Don, +8

**Jim Hoover** 3/6 10:38 AM  
Need key...

**MIII Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 3/6 10:38 AM  
Robert Baumann please come to the green monster with the LOTO key.



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**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/6 10:19 AM  
Robert Baumann John Spears Russell Tidaback Jordan Tidaback I am on the ground to provide safety to Pat while he is up on the Cat Walk for the Elevator...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/6 9:04 AM  
We'll get on it.

**Mill Group Chat** | You, Brian, Don, +8

**RT** Russell Tidaback (You) 3/6 9:01 AM  
Good morning everyone. A few things for today we need to make happen. First thing, each person needs to do their workplace exam. Next, Patrick Lewis and Ronnell Fondren - harness up and were going to be removing the cover and loosening the bearing caps on the classifier elevator in prep for the crane tomorrow. John...

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 3/6 1:01 PM  
(Captured photo) (Captured photo) (Captured photo) (Captured photo) (Captured photo) (Captured photo) Julie Ann Cureg SO-447 21bulk bags dgr...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/6 12:37 PM  
Ronnell Fondren you noted on the forklift exam for the Toyota that the mast needed lubricant. Did you inform Robert Baumann that it needed to be lubed? Then we can amend the exam after the lubricant is applied. Thanks...

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/6 12:06 PM  
Patrick Lewis Robert Baumann John Spears this looks to be the issue Where is this?

**Mill Group Chat** | You, Brian, Don, +8

**RF** Ronnell Fondren 3/6 11:19 AM  
Russell Tidaback Jordan Tidaback John Spears Horton supply company in Springfield (417) 864-8584 Give them a call they keep parts in stock...



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**Mill Group Chat** | You, Brian, Don, & B

**Robert Baumann** 3/3 10:33 AM  
[Captured photo] Can we get another one of these ordered and clear packing tape and a couple rolls of ductape for the **mill** plz...

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/3 10:07 AM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d10-fa6e2b553d395da8f729bbf49a64cb4e/views/imgo] Robert Baumann John Spears this looks to be the issue...

**Mill Group Chat** | You, Brian, Don, & B

**Russell Tidaback (You)** 3/3 9:08 AM  
Sorry it's in the **Mill** breakroom...

**Mill Group Chat** | You, Brian, Don, & B

**RB** **Robert Baumann** 3/3 8:40 AM  
Work place exam training in the conference room at 8 am Jim Hoover Patrick Lewis RJ Williams Ronnell Fondren...

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/2 5:23 PM  
Yeah I'd just put it away. That's my bad...

**Mill Group Chat** | You, Brian, Don, & B

**JS** **John Spears** 3/2 5:22 PM  
Patrick Lewis The come along that was in the genie basket has been put Away Fantastic! Thanks. I didn't realize that it had been retrieved.

**Mill Group Chat** | You, Brian, Don, & B

**Patrick Lewis** 3/2 5:21 PM  
The come along that was in the genie basket has been put Away...

**Mill Group Chat** | You, Brian, Don, & B

**JS** **John Spears** 3/2 5:21 PM  
Yes.

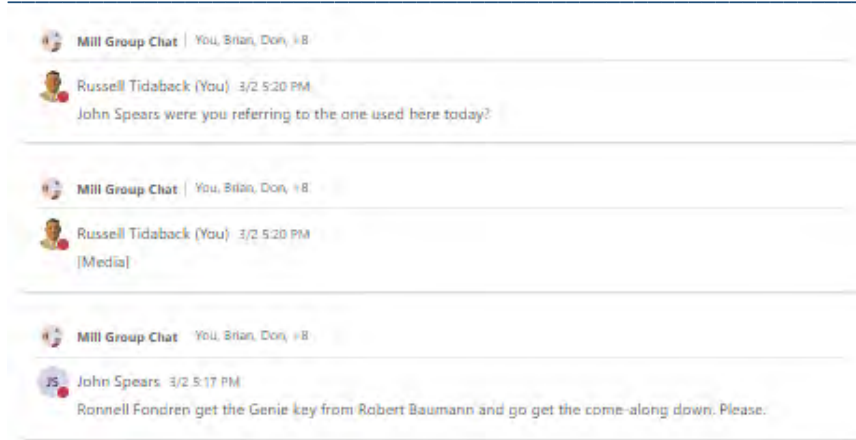
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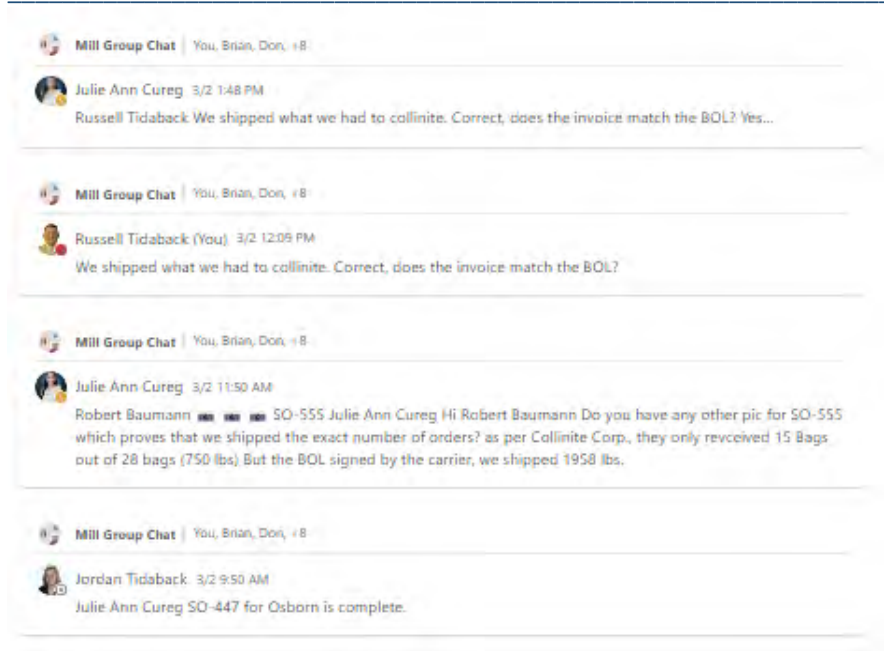
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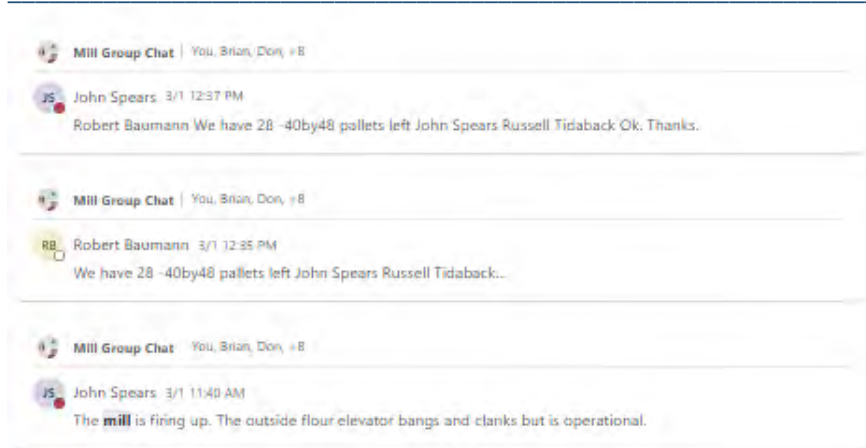
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**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/1 10:14 AM  
Just making notes and didn't want to lose them.

**Mill Group Chat** | You, Brian, Don, +8

**JS** John Spears 3/1 10:14 AM  
#28 - East Maint. Elec. Box Change Truck #61 to #62 Change Truck #60 to Extinguisher #30 Change "Old Truck garage " to "Warehouse A"

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 2/28 10:55 AM  
Robert Baumann can you get someone who has been up on the catwalk on the outside elevator and remove the guarding so it can be repaired? They will need a harness.

**Mill Group Chat** | You, Brian, Don, +8

**Patrick Lewis** 2/28 9:38 AM  
Yes sir...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 2/28 8:56 AM  
Whoever does the daily forklift inspection, please note that the electric forklift was not plugged in last night.

**Mill Group Chat** | You, Brian, Don, +8

**RB** Robert Baumann 2/20 4:04 PM  
[Captured photo] [Captured photo] [Captured photo] [Captured photo] [Captured photo] SO-435 Julie Ann Cureg21 bags of dgr...

**Mill Group Chat** | You, Brian, Don, +8

**Russell Tidaback (You)** 2/16 12:12 PM  
Probably another reason why this MSHA inspector is here... [image]

**Mill Group Chat** | You, Brian, Don, +8


**Russell Tidaback (You)** 2/15 5:25 PM  
But guys... this is why MSHA has to do what they do... PLEASE BE CAREFUL WHEN WORKING! MINE FATALITY - On January 30, 2023, a miner died while troubleshooting a belt conveyor when he fell through a 37-inch-long by 34-inch-wide hole created by the removal of a section of grating. The miner fell approximately 35 feet...


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 **Mill Group Chat** | You, Brian, Don, +8


 Russell Tidaback (You) 2/15 3:24 PM  
Guys, don't sweat the MSHA inspection... as we have always stated they are just doing their job. Legit citations will be fixed for the guidance we have to follow. The biggest thing to remember is be safe. Guarding must be in place for everyone's safety. The other stuff we will deal with one by one. Just keep doing your...


 **Mill Group Chat** | You, Brian, Don, +8


 RB Robert Baumann 2/14 5:07 PM  
[Selected photo] [Selected photo] [Selected photo] SO-555 Julie Ann Cureg...


 **Mill Group Chat** | You, Brian, Don, +8


 RB Robert Baumann 2/14 2:12 PM  
[Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] [Selected photo] 21 bags of agr SO-290-A Julie Ann Cureg...


 **Mill Group Chat** | You, Brian, Don, +8


 RB Robert Baumann 2/10 12:06 PM  
[Selected photo] We will continue to run bulk bags while Gage Wheeler works on the bagger we are losing to much product trying to bag 100 pounders not very feasible...


 **Mill Group Chat** | You, Brian, Don, +8


 RB Robert Baumann 2/10 10:21 AM  
Still having issues with bagger so we are currently running bulk bags...


 **Mill Group Chat** | You, Brian, Don, +8

 JS John Spears 2/10 9:57 AM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d18-8287a9d16223bc8e79a360a4148512c5/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-aa6f3a7e474c7ff63110615785cfa6be/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d18-c514d770a1fe52426874b3e4b3dadce3/views/imgo]...

 **Mill Group Chat** | You, Brian, Don, +8

 JS John Spears 2/9 2:54 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d4-e71816dd49139b030af9e506b6764d49/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d10-2a092551513201d682264b6d722f369/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d13-45baacd5acb6fe27f0e768a5aa772a32/views/imgo]...

 **Mill Group Chat** | You, Brian, Don, +8

 JS John Spears 2/9 2:42 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d18-f1b232d2f0b40d6bba7e7b97a774a71c/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d3-97d025241c03ccfcb0e4100bc4a9fa41/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d16-e34a6a9e6fc9ec018ae6135211f08687/views/imgo]...



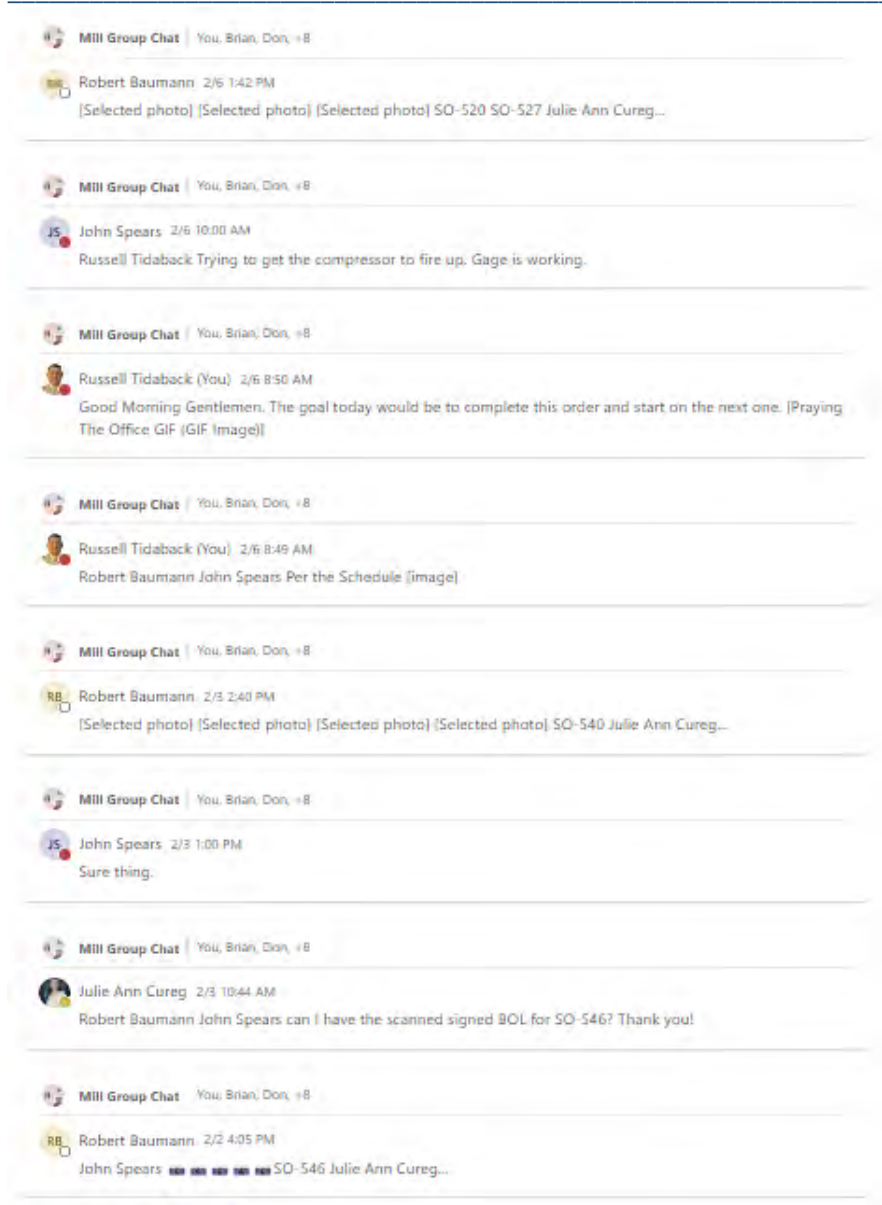
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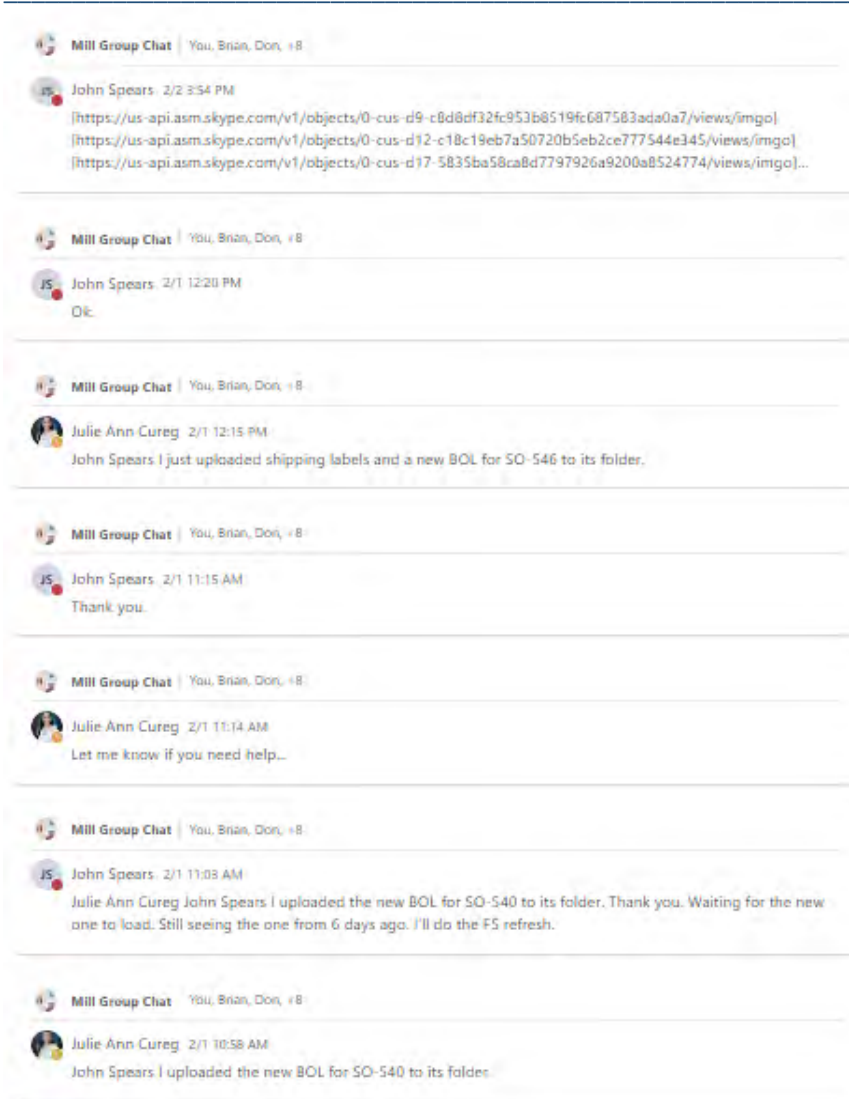


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**ATMO Maintenance Group** | You, Don, Joe, +3

John Spears · 4/16 9:45 PM  
MSHA is supposed to be at the mill in the morning to turn on the power. The mill is still shut down until we get the PAPRs.

**ATMO Maintenance Group** | You, Don, Joe, +3

John Spears · 4/14 4:41 PM  
Pictures did not come through.

**ATMO Maintenance Group** | You, Don, Joe, +3

Ryan Closser · 4/14 4:40 PM  
Hoses\*

**ATMO Maintenance Group** | You, Don, Joe, +3

Ryan Closser · 4/14 4:40 PM  
I'm finishing up the houses in this box as we speak...

**ATMO Maintenance Group** | You, Don, Joe, +3

Ryan Closser · 4/14 4:39 PM  
IMG\_20230414\_153431938.jpgIMG\_20230414\_153357936.jpg

**ATMO Maintenance Group** | You, Don, Joe, +3

John Spears · 4/14 10:58 AM  
Jordan Tidaback just fyi...SEW wouldn't allow us to order direct from them, and advised to order from a distributor. None of the distributors have the pinion in stock and would have to order it from SEW. So, I have 3... Good. Thank you.

**ATMO Maintenance Group** | You, Don, Joe, +3

Jordan Tidaback · 4/14 10:48 AM  
Ryan Closser [https://www.seweurodrive.com/os/ecs/?SEARCH\\_STRING=5576](https://www.seweurodrive.com/os/ecs/?SEARCH_STRING=5576) just fyi...SEW wouldn't allow us to order direct from them, and advised to order from a distributor. None of the distributors have the pinion in stock and would have to order it from SEW. So, I have 3 quote requests out with their distributors.

**ATMO Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert · 4/14 9:16 AM  
Yesterday when me and ryan were working in green hulk i saw somethings we need to fix the doors on top probaly need some rubber seal and there is 5-10 of the handles to tighten lids down arent attached so no way to jold pressure on lid need to reweld....

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ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/14 9:16 AM

Yesterday when me and ryan were working in green hulk i saw somethings we need to fix the doors on top probaly need some rubber seal and there is 5-10 of the handles to tighten lids down arent attached so no way to jold pressure on lid need to reweld...

ATMO - Maintenance Group | You, Don, Joe, 13

JM Jessie Molesi 4/13 10:56 AM

Also make sure to Private message me your birthdate and phone number to send to the clinic...

ATMO - Maintenance Group | You, Don, Joe, 13

JM Jessie Molesi 4/13 10:55 AM

Hey Jeremy Talbert, Ryan Closser I have you scheduled for tomorrow (4-13-2023) for both the PFT test and Audiogram at Express Wellness. Make sure to be here at 0800 am at main office to get your forms and tag a ride with John.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/13 10:54 AM

I do t know which class or whatever we needn...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/13 10:40 AM

RPB® T200™ Respirator | Blast Booths Spray Paint Booths Abrasives Media & Equipment  
<https://www.blastone.com/product/rpb-t200-respirator/>

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 4/11 6:17 PM

Jeremy Talbert There a long list of stuff id like to do the middle tube in between dryer and furnace is almost gone i noticed that as well. I'll contact Mr. Longan and see if he has any information on where to get that silicone blanket/tube material.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/11 6:13 PM

There a long list of stuff id like to do the middle tube in between dryer and furnace is almost gone...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/11 6:10 PM

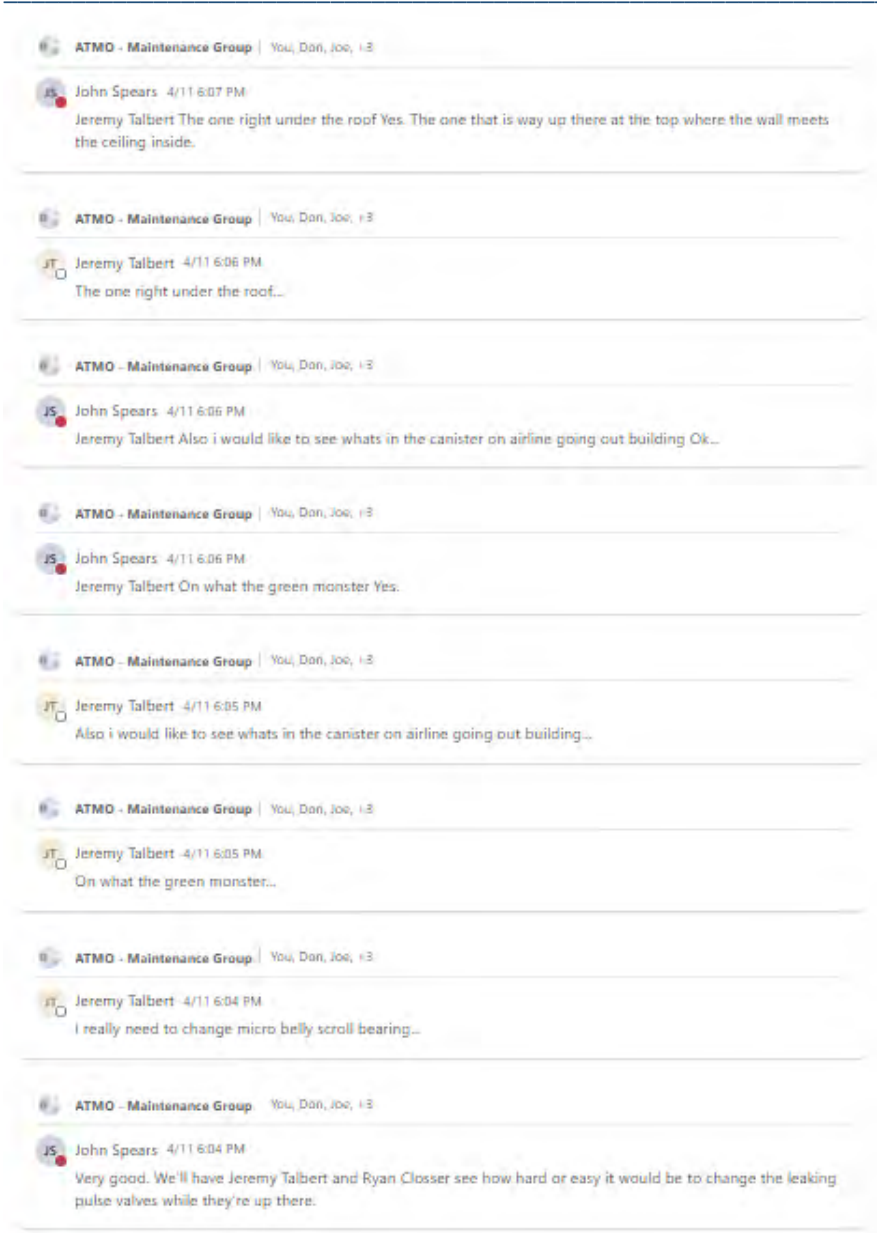
I think i found some bolts i can make work on tube mill ill figure it out i also need to check the scroll from dryer to tube mill theres a new bearing but looks like has alot of movement it shouldnt have...

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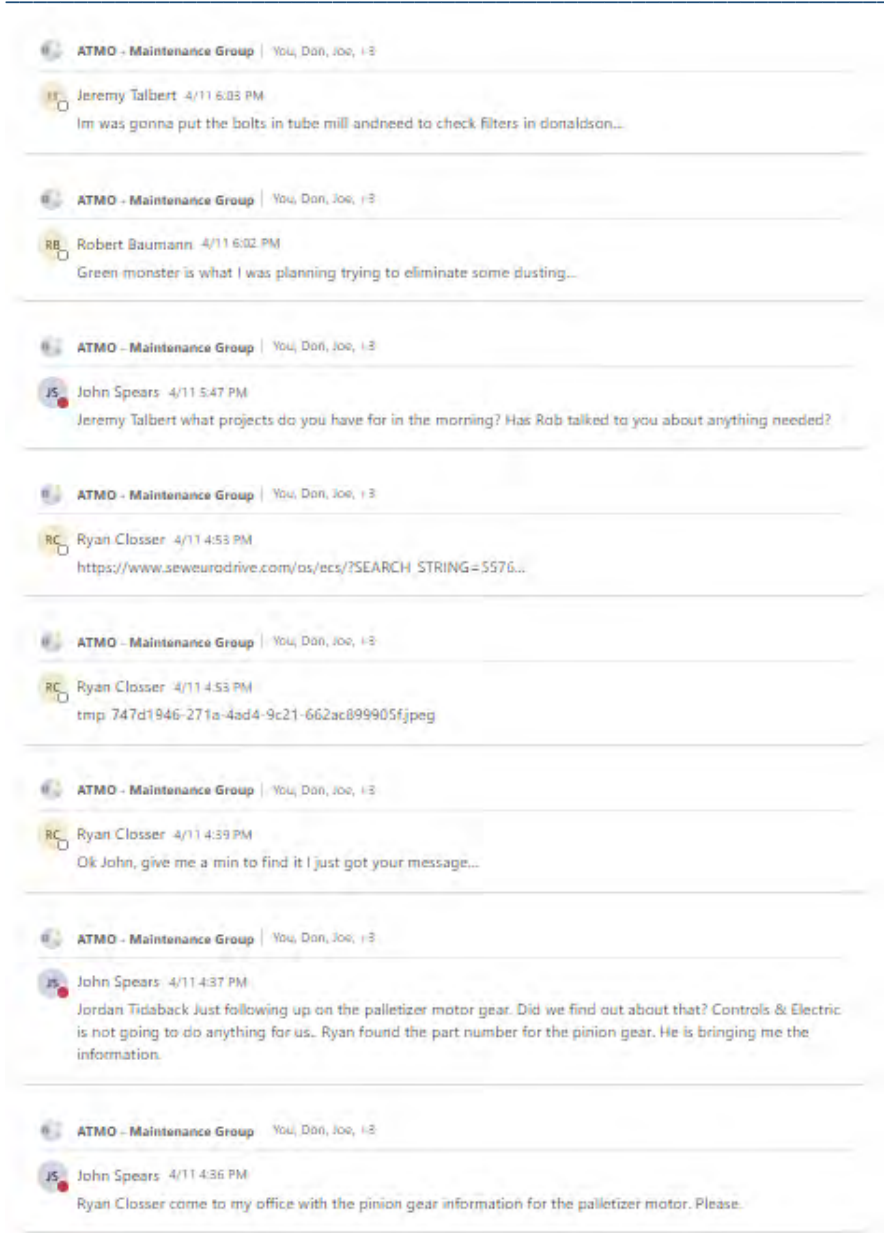
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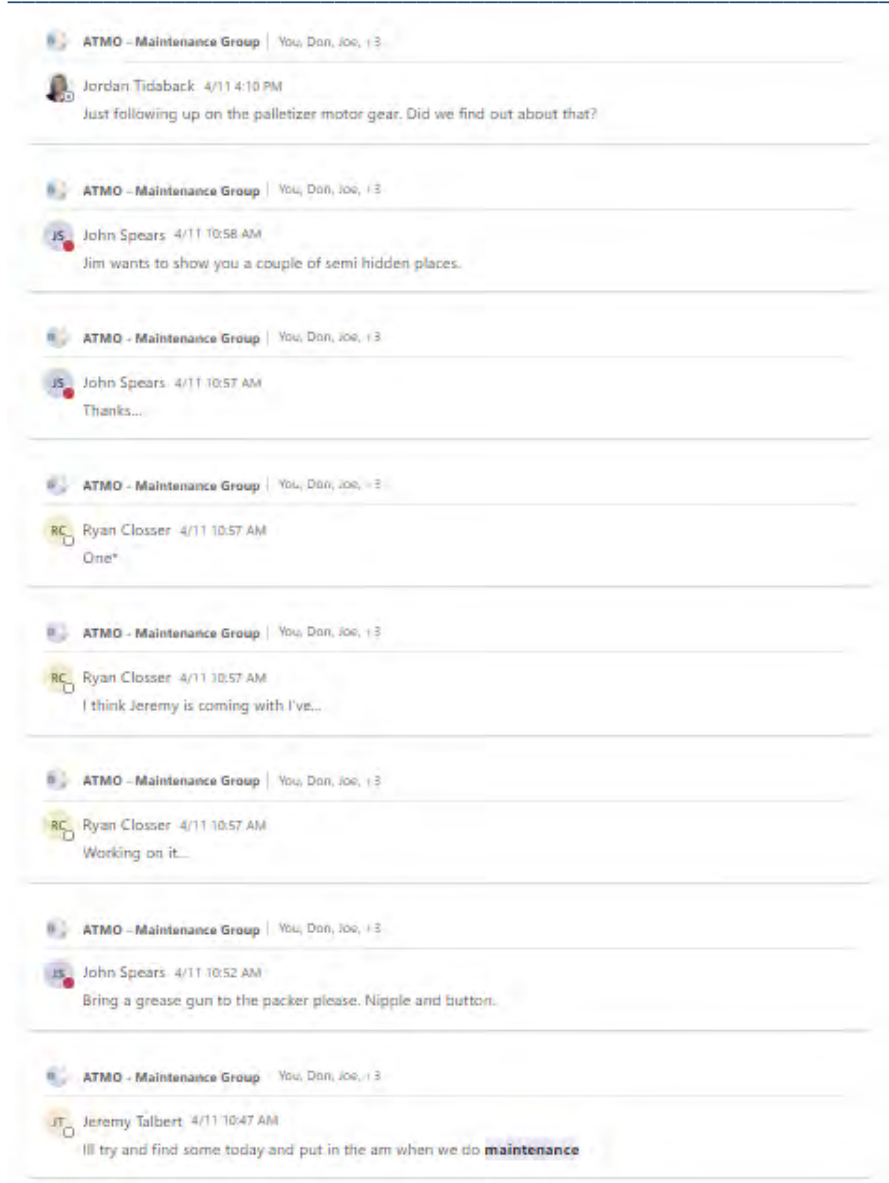
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ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 4/11 10:26 AM  
Can you guys come to packer...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/11 9:59 AM  
Jeremy Talbert Okay im looking i just got finished with greasing everything Good deal. Be sure to enter your **maintenance** safety exam. Ryan Closser don't forget as well. Thanks guys.

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/11 9:37 AM  
Okay im looking i just got finished with greasing everything...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/11 8:04 AM  
Jeremy Talbert Need to get or find bolts gor tube mill only 1 of 4 is in then these bolts hold the 2 segments together i think we may have some of those big bolts.

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/11 6:04 AM  
Need to get or find bolts gor tube mill only 1 of 4 is in then these bolts hold the 2 segments together...

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/10 10:28 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d5-ec05e9d04860d3fa6e7ce7e4dbe8dcf7/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/10 4:40 PM  
Jeremy Talbert John i have 1 new bearing and 2 that are used but usable still and 2 new insert bearings for G-40  
Good deal. Glad you found them.

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/10 4:39 PM  
John i have 1 new bearing and 2 that are used but usable still and 2 new insert bearings for G-40...



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---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/10 3:29 PM  
Fantastic! I need to get a couple more of those bearings.

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JT** Jeremy Talbert 4/10 3:27 PM  
Its done and no leaks so far...

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JT** Jeremy Talbert 4/10 3:27 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-cus-d11-0bbddcb8209436230f190b78466417ed/views/imgol\]](https://us-api.asm.skype.com/v1/objects/0-cus-d11-0bbddcb8209436230f190b78466417ed/views/imgol)

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/10 3:11 PM  
We've decided to change the bearing on the packer impeller shaft. Luckily it is the same as the end shaft bearings on the G-40's.

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/10 1:10 PM  
Jeremy Talbert Okay ill be there shortly is it okay if i bring a mini fridge and put in **maintenance** office or in the shop Sure..

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JT** Jeremy Talbert 4/10 1:06 PM  
Okay ill be there shortly is it okay if i bring a mini fridge and put in **maintenance** office or in the shop

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JS** John Spears 4/10 1:04 PM  
Sure thing. You'll make it home. Ryan needs your help.

---

**ATMO - Maintenance Group** | You, Dan, Joe, 13

**JT** Jeremy Talbert 4/10 1:04 PM  
And change those 2 bearings...

---

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**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 4/10 1:04 PM  
Or i can come in this weekend...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 4/10 1:03 PM  
Im done at dr i was gonna run home and eat lunch and come to work if thats okay with you john and if Patrick can take me home...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 4/10 12:46 PM  
Ryan Closser I'm in the control room.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 4/10 11:03 AM  
Jeremy Talbert You talking about valve at the blue box by compressor there is a leak there so shut the valve so there is air in lines if we need air after shutting down compressor Don't forget to let someone know.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 4/10 11:01 AM  
I think its the refrigerant box by compressor your talking about...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert 4/10 11:01 AM  
You talking about valve at the blue box by compressor there is a leak there so shut the valve so there is air in lines if we need air after shutting down compressor...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 4/10 10:49 AM  
Ryan Closser John the main valve to the air system coming right off the dryer was shut off. Nobody was notified that that Bell had gotten shut off so this morning it was never checked. I don't believe we need to be... Thanks. We'll keep that in mind.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**RC** Ryan Closser 4/10 10:42 AM  
...I don't believe we need to be locking the air our system and leaving it to stay there to accumulate moisture and rust the lines out. When we shut down we should bring the system and leave it vented to the **atmosphere**. I don't know who closed me but nobody was ever notified.



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**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears - 4/10 10:18 AM  
Jeremy Talbert John while im in town today do you want me to stop at ibt and puck up the parts for that electric motor They will only take a credit card from us. But thank you.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert - 4/10 10:13 AM  
John while im in town today do you want me to stop at ibt and puck up the parts for that electric motor...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert - 4/7 4:57 PM  
Okay have a good weekend...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears - 4/7 4:42 PM  
Jeremy Talbert Ryan Closser I'm gonna head out. I've got to meet up with my truck mechanic to find out what the vibrating noise is in the front end.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert - 4/7 12:24 PM  
John im in office did you need me...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert - 4/7 12:13 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d17-4ef79483eaf8b35d1a0506cccc242e06/views/imgo]

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JT** Jeremy Talbert - 4/7 12:12 PM

**ATMO - Maintenance Group** | You, Don, Joe, +3

**RB** Robert Baumann - 4/7 12:11 PM  
John Spears tube Mill didn't want to restart motor smoked and now all of this Jeremy Talbert can explain...


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 **ATMO - Maintenance Group** | You, Dan, Joe, +3


 **Jeremy Talbert** 4/7 12:07 PM


 **ATMO - Maintenance Group** | You, Dan, Joe, +3


 **Jeremy Talbert** 4/7 12:05 PM


 **ATMO - Maintenance Group** | You, Dan, Joe, +3


 **Robert Baumann** 4/7 10:40 AM  
John Spears Jeremy Talbert did the power flicker in the mill? Have you looked outside...


 **ATMO - Maintenance Group** | You, Dan, Joe, +3


 **Ryan Closser** 4/7 10:35 AM  
Yes it did John and it shut everything down...


 **ATMO - Maintenance Group** | You, Dan, Joe, +3


 **John Spears** 4/7 10:08 AM  
Jeremy Talbert did the power flicker in the mill?


 **ATMO - Maintenance Group** | You, Dan, Joe, +3

 **Russell Tidaback (You)** 4/7 10:00 AM  
Jordan and Bonnie, two females, helped as well... just sharing so you know, this isnt the first time the palletizer hasnt worked and we had to hand stack bags.

 **ATMO - Maintenance Group** | You, Dan, Joe, +3

 **Russell Tidaback (You)** 4/7 9:58 AM  
we did 20 10'-high pallets one day... sure it was a rough day but it is doable. Plus that was in the heat of summer...

 **ATMO - Maintenance Group** | You, Dan, Joe, +3

 **Russell Tidaback (You)** 4/7 9:57 AM  
Not a bad idea... but hopefully we get the palletizer fixed next week. We have had three people stacking before in the curve corner. 100# bags, two people at a time stacking, grab an end of bag, one person bagging and rotate every 4 bags. 50# bags one person grabs the bag, rotate to the next person, one person bagging...

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ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/7 9:06 AM  
(https://us-api.asm.skype.com/v1/objects/0-cus-d5-62757029500bc8b42e651a92c327e09/views/imgo)

ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 4/7 9:05 AM  
(https://us-api.asm.skype.com/v1/objects/0-cus-d1-9de2d5a19ef441d7da6be007c4739a04/views/imgo)

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/6 1:36 PM  
Ryan Closser Jeremy, that vibrator is wired up Really? Send me a picture.

ATMO - Maintenance Group | You, Don, Joe, +3

Ryan Closser 4/6 1:35 PM  
Jeremy, that vibrator is wired up...

ATMO - Maintenance Group | You, Don, Joe, +3

Ryan Closser 4/6 12:33 PM  
I also emailed Sew support for any tech data they have on hand for the pinion...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/6 12:29 PM  
Ryan has been corresponding with Premier Tech.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 4/6 12:27 PM  
Premier Tech POCs.docx Also, email Premier Tech parts, to see about a quote from them. Premier Tech POCs.docx

Premier Tech POCs.docx  
American\_Tripoli\_Seneca...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 4/6 12:25 PM  
I called Controls & Electric to see if we can get just the pinion gear back.

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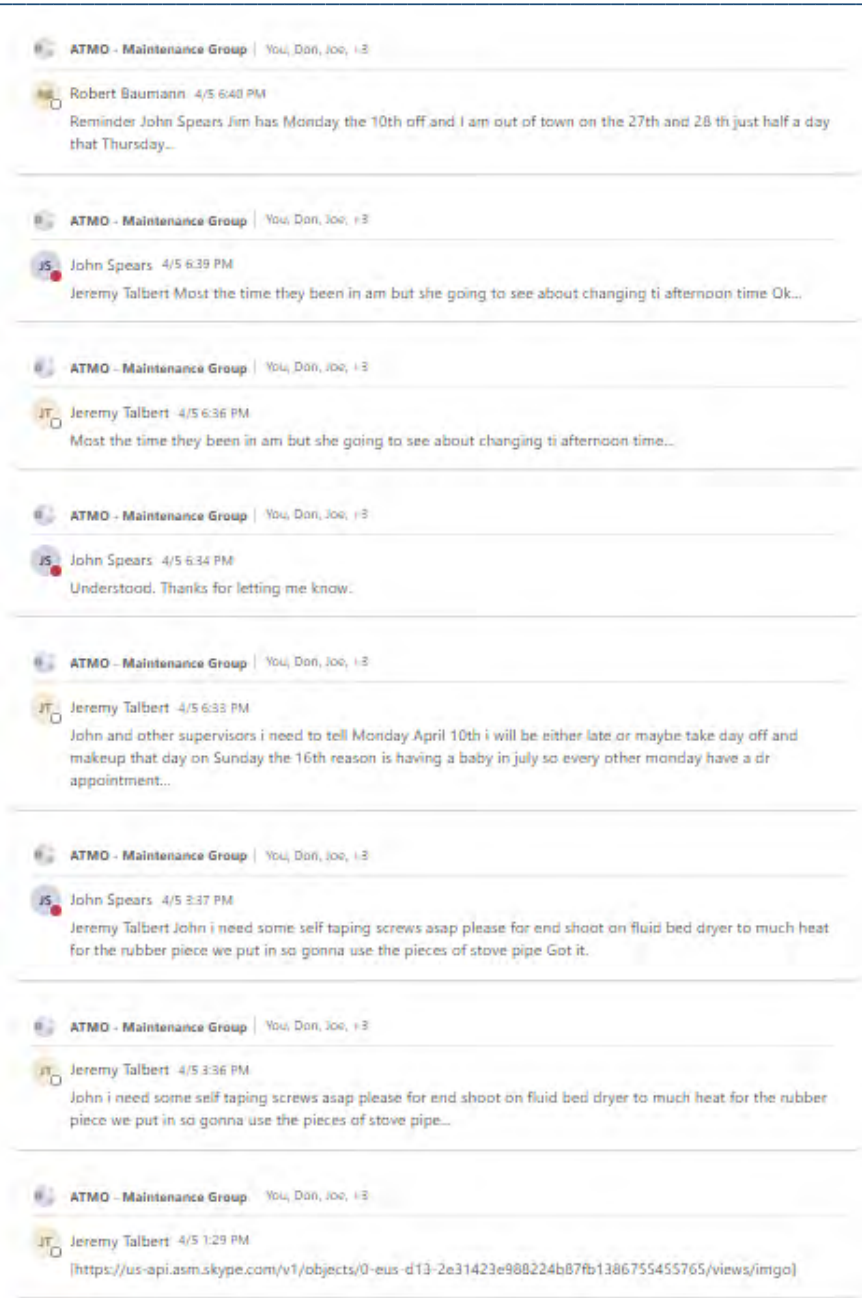
B	ATMO - Maintenance Group   You, Don, Joe   3
RC	Ryan Closser 4/6 12:19 PM Still looking for technical data on the pinion itself. Finding only distributors so far.
B	ATMO - Maintenance Group   You, Don, Joe   3
RC	Ryan Closser 4/6 12:18 PM [image]
B	ATMO - Maintenance Group   You, Don, Joe   3
RC	Ryan Closser 4/6 12:05 PM That was supposed to be 112.40:1...
B	ATMO - Maintenance Group   You, Don, Joe   3
RC	Ryan Closser 4/6 12:05 PM Pinion gear: *121.40:1 Gear ratio *27 Teeth...
B	ATMO - Maintenance Group   You, Don, Joe   3
JS	John Spears 4/6 11:59 AM Ryan Closser is there a picture?
B	ATMO - Maintenance Group   You, Don, Joe   3
RC	Ryan Closser 4/6 11:44 AM I found the pinion gear for the motor on the palletizer elevator. The part number is #5576. You can order a new one from Sew Eurodrives at: <a href="https://www.seweurodrive.com/os/ecs/?SEARCH_STRING=5576...">https://www.seweurodrive.com/os/ecs/?SEARCH_STRING=5576...</a>
B	ATMO - Maintenance Group   You, Don, Joe   3
RC	Ryan Closser 4/6 10:57 AM Jeremy, John is in the maint office and is requesting you...
B	ATMO - Maintenance Group   You, Don, Joe   3
JS	John Spears 4/5 6:41 PM Robert Baumann Reminder John Spears Jim has Monday the 10th off and I am out of town on the 27th and 28th just half a day that Thursday Ok. Thanks.

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**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 1:29 PM  
Replaced skirt where material falls from fluid bed dryer to tube mill scroll...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 1:27 PM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d1-42c60b88dda6d0c5728cb10a341cc8b3/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 11:52 AM  
Welded frame back on to fluid bed dryer...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 11:50 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d16-aad41b4c47b04e659a1c88181d66ab35/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 11:49 AM  
Missing a nut found one and replaced missing one and tightened the other 3...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JS John Spears 4/5 11:49 AM  
Jeremy Talbert Bolts where missing for collar found new bolts and tightened up Very good! Thanks.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 11:49 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d11-f3671b292b093cdf2eaa2de89e1af63b/views/imgo]

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**ATMO - Maintenance Group** | You, Don, Joe, +3

JT Jeremy Talbert 4/5 11:48 AM  
Bolts where missing for collar found new bolts and tightened up...

---

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ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/5 11:48 AM  
[https://us-api.asmskype.com/v1/objects/0-eus-d3-f4ff223d36633c47dd32a4ce2c5aed7a/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 6:19 PM  
Jeremy Talbert Need fix back up alarms on the 2 yellow ones the orange one is only one works Sure thing.

ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/4 6:18 PM  
Need fix back up alarms on the 2 yellow ones the orange one is only one works...

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 6:13 PM  
Jeremy Talbert Ryan Closser thanks for getting around the mill and checking out the machinery. That's what it takes to make production happen. If you see a potential problem let us know. Thanks again.

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 5:57 PM  
Jeremy Talbert Okay and yes im almost positive that we have new bearing for scroll if not theres one on end of scroll that says demo on 3rd floor i know Very good. Thank you.

ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/4 5:56 PM  
Okay and yes im almost positive that we have new bearing for scroll if not theres one on end of scroll that says demo on 3rd floor i know...

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 5:52 PM  
Ok. Be sure to have Ryan help you if you need it. Please communicate with him.

ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/4 5:51 PM  
And i need to tighten set screws on big bearing for tube mill drive the collar is just spinning and need to grease all of that tube mill drive stuff...

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**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/4 5:50 PM  
...Are we doing **maintenance** in the am if so i think i can do that bearing on green hulk scroll in a hr just changing bearing not putting love joy and motor straight just new bearing and back the way it is...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 4/4 5:48 PM  
Ill be there at 630 since i ride with ronell...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 4/4 5:47 PM  
Are we doing **maintenance** in the am if so i think i can do that bearing on green hulk scroll in a hr just changing bearing not putting love joy and motor straight just new bearing and back the way it is

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/4 5:42 PM  
John I'm out of here. the wires disconnected in The House of the box.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RC** Ryan Closser 4/4 5:05 PM  
John, we're you able to find a battery for me?

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 4/4 2:55 PM  
(<https://us-api.asm.skype.com/v1/objects/0-eus-d14-3e3a84d46c1b7c1471d7d189469a484e/views/imgo>)

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 4/4 2:55 PM  
Bearing and seal will be at ibt in am for electric motor...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 4/4 1:05 PM  
Jeremy Talbert Already fixed just needed to tighten the mounting bolts Fantastic!

---

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ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 4/4 1:04 PM  
Awesome!!!

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/4 1:04 PM  
Already fixed just needed to tighten the mounting bolts...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/4 1:03 PM

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 4/4 12:43 PM  
Sure thing. Look it over when we shut down today and get a plan formulated.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/4 12:42 PM  
We are doing **maintenance** on Wednesday mornings correct

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/4 12:40 PM  
Fix...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 4/4 12:39 PM  
We will fix it tomorrow am when we do **maintenance**

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 4/4 12:37 PM  
Ryan Closser John, we may want to look at this soon... [File: VID\_20230404\_112308375.mp4] You bet. We'll look at it when we turn it off for the day. Thanks.

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ATMO - Maintenance Group | You, Don, Joe, 13

Ryan Closser 4/4 12:26 PM  
VID 20230404\_112308375.mp4 John, we may want to look at this soon...

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 10:09 AM  
Ryan Closser If you're not tied up, please come to the control room.

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 9:43 AM  
Jeremy Talbert John i need the extractor kit so i can finish taking about electric motor please grease rags and the latex gloves please Got it.

ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/4 9:35 AM  
John i need the extractor kit so i can finish taking about electric motor please grease rags and the latex gloves please...

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/4 8:17 AM  
Y'all are catching on quick. Good job. Be sure to communicate with each other. Let me know if you need help. Thanks.

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/3 1:45 PM  
Fantastic!

ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert 4/3 1:45 PM  
Done...

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears 4/3 1:38 PM  
Very good. Thank you. Be sure to LOTO. Ryan Closser please assist.

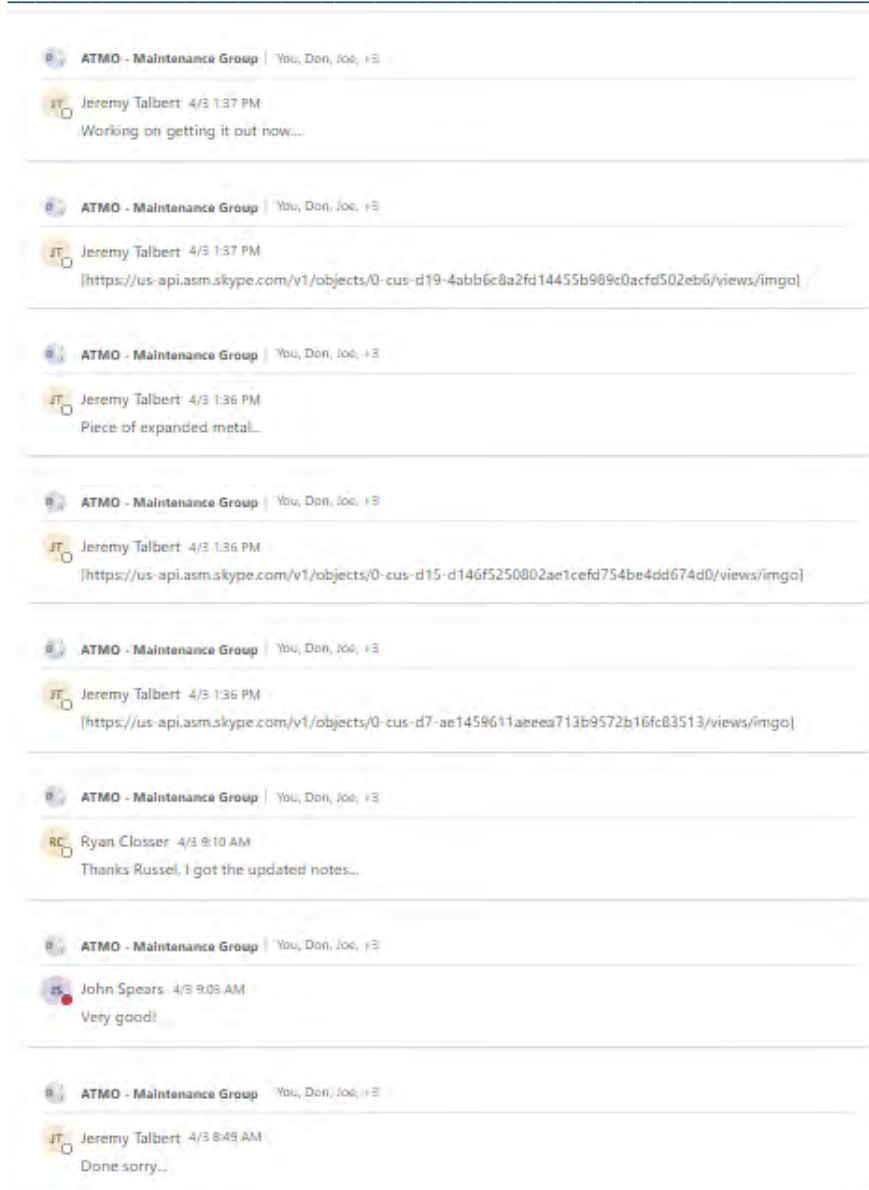
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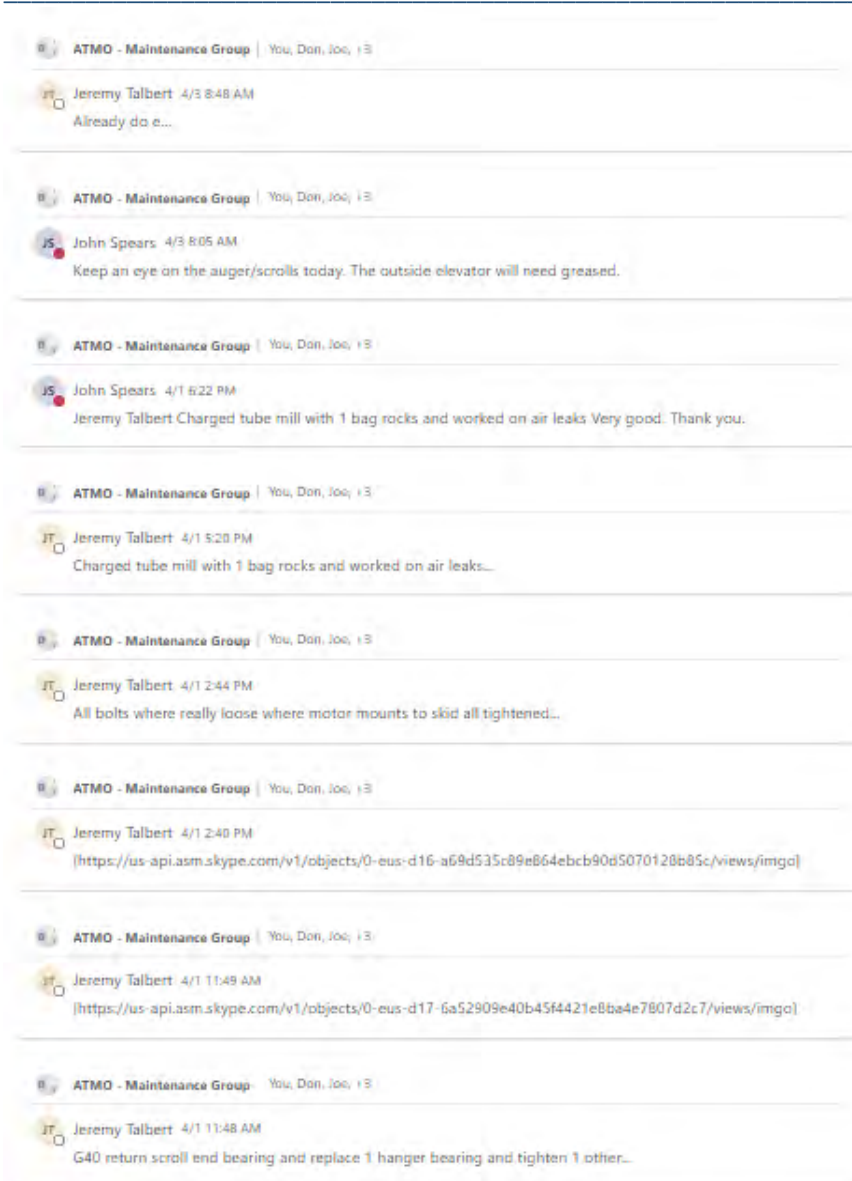


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ATMO - Maintenance Group | You, Don, Joe, + 3

IT Jeremy Talbert 4/1 11:47 AM  
[https://us-api.asmskype.com/v1/objects/0-eus-d6-ab093a52032b83b9d79a9e79edd7bc57/views/imgc]

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 4/1 11:26 AM  
Free PLC training... <https://youtube.com/@plcprofessor...>

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 4/1 8:02 AM  
Ryan Closser | update your OneNote note regarding where areas are.

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/31 5:01 PM  
Cake and ice cream in the break room for Patrick's birthday.

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/31 3:38 PM  
Ryan Closser John, this motor has continuity between all three phase windings and the same resistance between them. The motor is in excellent shape. Good deal.

ATMO - Maintenance Group | You, Don, Joe, + 3

RC Ryan Closser 3/31 3:57 PM  
John, this motor has continuity between all three phase windings and the same resistance between them. The motor is in excellent shape.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/31 2:03 PM  
[image]

ATMO - Maintenance Group | You, Don, Joe, + 3

RC Ryan Closser 3/31 2:00 PM  
onenote:[https://deedyco-my.sharepoint.com/personal/ryan\\_closser\\_americantripoli.com/Documents/Notebooks/American%20Tripoli%20Work%20Notes/Gneral%20%28On%20the%20Fly%29%20Notes.onepersonal/ryan\\_closser\\_americantripoli.co...](https://deedyco-my.sharepoint.com/personal/ryan_closser_americantripoli.com/Documents/Notebooks/American%20Tripoli%20Work%20Notes/Gneral%20%28On%20the%20Fly%29%20Notes.onepersonal/ryan_closser_americantripoli.co...)



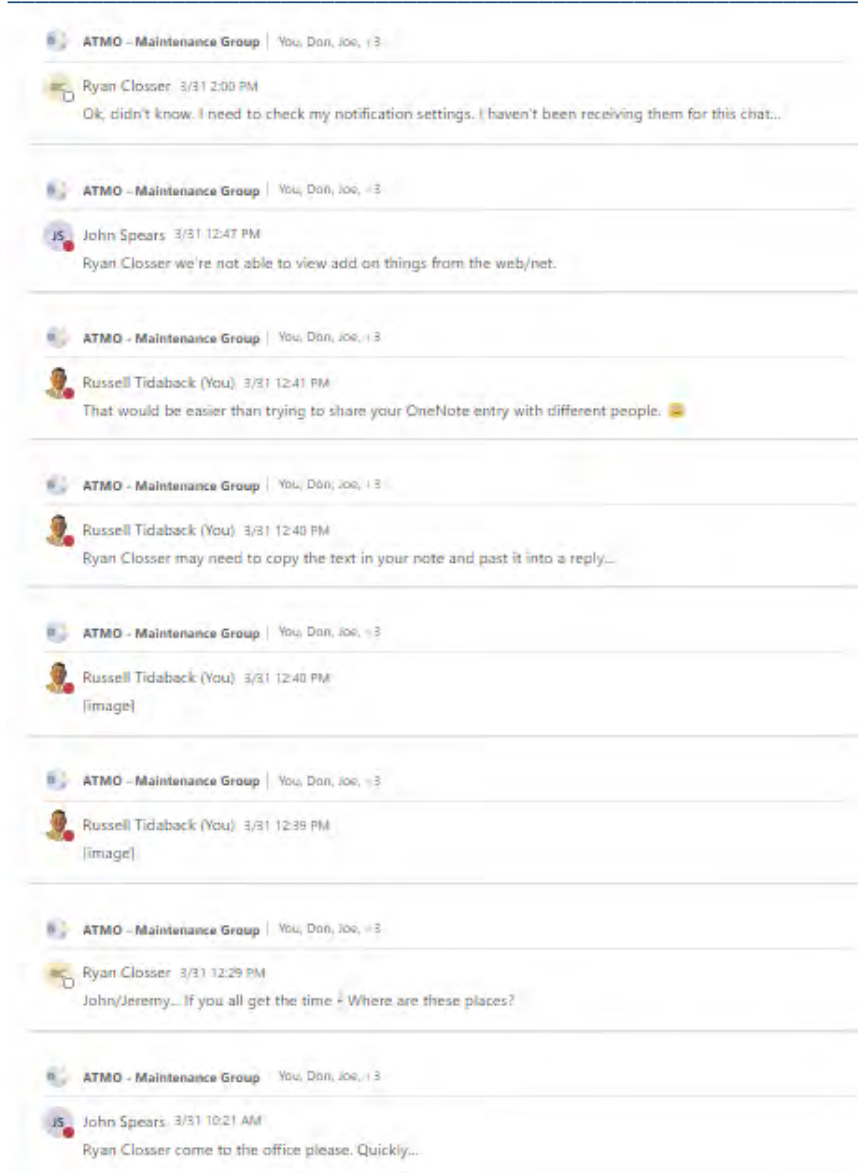
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ATMO - Maintenance Group | You, Don, Joe, +3

Ryan Closser 3/31 9:57 AM  
Jeremy, where exactly are you at?

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/30 6:08 PM  
Jeremy Talbert Does the quarry have different **maintenance** people or are we responsible for that as well greasing and fluid checks and cleaning air filters etc just wondering i have more experience with heavy equipment like that Quarry team is responsible for their equipment.

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/30 6:01 PM  
Sure thing. Sounds good.

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/30 6:00 PM  
I have pictures on my phone of one that i built at my last job i just cant get from my photos to team ill show you tomorrow john i made with 1" althread and some plate..

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/30 5:56 PM  
To the best of Max's knowledge there is no slack adjustment. The pot belly look of the chain/belt keeps it pulled down on to the drive sprocket.

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/30 5:55 PM  
Does the quarry have different **maintenance** people or are we responsible for that as well greasing and fluid checks and cleaning air filters etc just wondering i have more experience with heavy equipment like that

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/30 5:41 PM  
Ive looked at that as well. I didnt see any mounts or broken welds. so I doubt there has ever been any kind of guide for as little as we use it..

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/30 3:53 PM  
I looked yesterday nothing alot of weight to pull up when its running...



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ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/30 3:52 PM

Jeremy Talbert Really need to do something about all the slack in feeder i dont see anyway to adjust slack I looked as well. Could not determine a slack adjustment from under the dump pit. Maybe next to the crusher throat. LOTO if you go there.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/30 3:50 PM

Really need to do something about all the slack in feeder i dont see anyway to adjust slack...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/30 3:49 PM

[https://us-api.asm.skype.com/v1/objects/0-cus-d9-69ed9ade942ceb8ab74d5b88abbab15e/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d17-6a2a78dbb91a28b8ebb8c606a3e90a9c/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d12-0da47983504df8350ecaf167c36cf932/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/30 2:15 PM

Yes sir.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/30 2:14 PM

no worries. Im sure he is busy with it all.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/30 2:13 PM

Haven't yet. Jeremy needed help this morning so I sent Ryan with him. I'll get him set up before the end of the day.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/30 2:11 PM

Did we get Ryan Closser on Teams yet?

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/30 1:53 PM

Robert Baumann John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again Dam it. Is the shaker usable today and tomorrow? Replace screen on Saturday?

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- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Robert Baumann** 3/30 1:48 PM  
John Spears We have a middle screen in the oil room. We need a replacement top screen for sure in the near future. John they are all one screen we just usually cut the one off we don't need and the top screen on the top shaker is damaged again...
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Russell Tidaback (You)** 3/30 1:41 PM  
Believe it or not, the screen come in two screens on one. We just cut/trim out the screen we dont need.
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- John Spears** 3/30 1:30 PM  
Russell Tidaback Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, Rob or Jim where this... We have a middle screen in the oil room. We need a replacement top screen for sure in the near...
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Jeremy Talbert** 3/30 1:22 PM  
Okay...
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Russell Tidaback (You)** 3/30 1:04 PM  
Also, since the shakers are acting up, when you get a chance, check to make sure we have on-hand one new extra screen in the box. It takes a week or so to get a new screen. Ask John, Rob or Jim where this screen may be as well.
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Russell Tidaback (You)** 3/30 1:02 PM  
for the filter pulse valves, bagger, and palletizer, yep, it is...
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Jeremy Talbert** 3/30 1:02 PM  
Keeping good air pressure is a main key to whole mill from what i can see...
- ATMO - Maintenance Group** | You, Don, Joe, + 3
- Jeremy Talbert** 3/30 1:01 PM  
Yes sir...

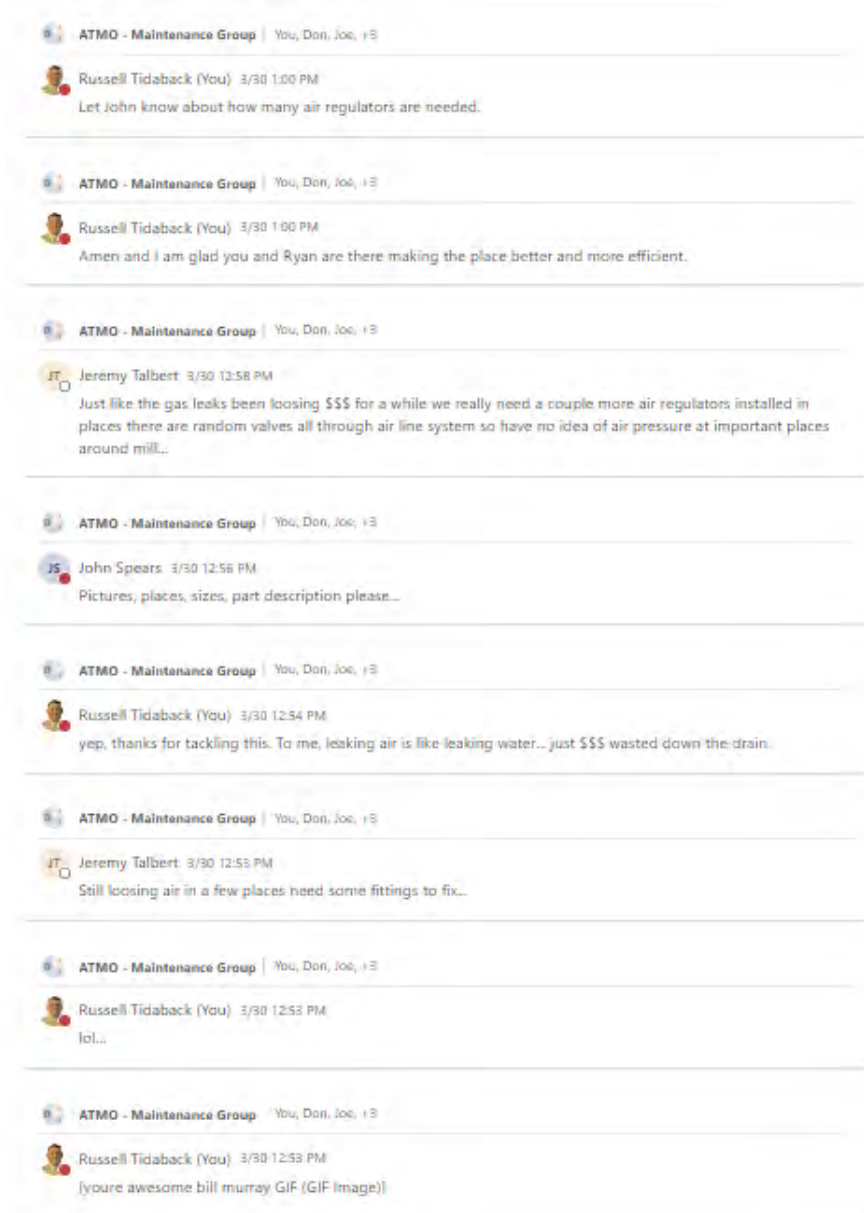
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ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:52 PM  
I will weld in am before start up...

ATMO - Maintenance Group | You, Dan, Joe, +3

Russell Tidaback (You) 3/30 12:52 PM  
Yep, good call. dont want to energize the base with electricity being applied elsewhere.

ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:51 PM  
Right by small overhead door i dont want to weld while motor is running...

ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:51 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-eus-d10-67ffe4ad86e1baac3114c72787c6989e/views/imgc\]](https://us-api.asm.skype.com/v1/objects/0-eus-d10-67ffe4ad86e1baac3114c72787c6989e/views/imgc)

ATMO - Maintenance Group | You, Dan, Joe, +3

Russell Tidaback (You) 3/30 12:51 PM  
the pulverizer?

ATMO - Maintenance Group | You, Dan, Joe, +3

Russell Tidaback (You) 3/30 12:50 PM  
Awesome. What piece of equipment is this?

ATMO - Maintenance Group | You, Dan, Joe, +3

JS John Spears 3/30 12:50 PM  
Very good.

ATMO - Maintenance Group | You, Dan, Joe, +3

JT\_ Jeremy Talbert 3/30 12:50 PM  
Yes i can weld it just need to grind a groove...

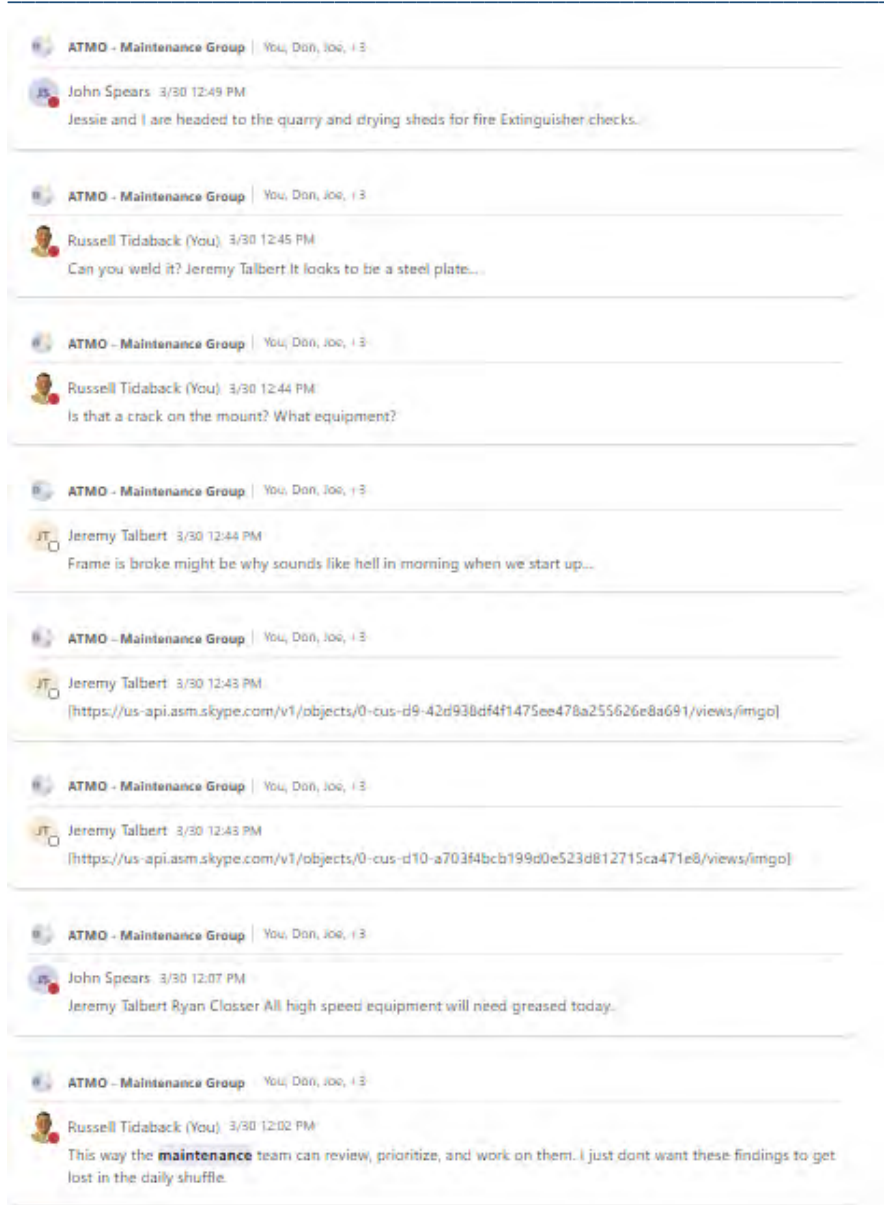
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ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You)

3/30 12:01 PM

...For these kind of non-urgent notifications, use the **Maintenance** List on the Mill-Plant **Group**...

ATMO - Maintenance Group | You, Don, Joe, 13

Jessie Molesi

3/30 11:56 AM

Cage out front is broken...

ATMO - Maintenance Group | You, Don, Joe, 13

Jessie Molesi

3/30 11:56 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d16-c9f9c24111fd12fa7fa8d5482cd4e6f2/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, 13

Jessie Molesi

3/30 11:48 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d4-0169e2b63ac0fad5aacba6c6baa57fe0/views/imgo]

ATMO - Mill Mgmt | You, Don, John, 12

Russell Tidaback (You)

3/30 10:38 AM

As mentioned, I believe we have a good **group** of guys now that can make things happen...He needs Robs input, Alex's input, the **maintenance** team input to make good, sound decisions.

ATMO - Mill Mgmt | You, Don, John, 12

Russell Tidaback (You)

3/30 10:21 AM

**IMPORTANT**  
"guys we are charging the tube Mill and sealing up the elevator first thing in the morning"... okay, this is probably a good segway to bring us back together and iterate the importance of production urgency. The daily production goal is 50k lbs produced. Produced meaning to the final step of being stretch wrapped. The...

ATMO - Maintenance Group | You, Don, Joe, 13

Jeremy Talbert

3/30 9:37 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d4-23ab824d7c6827489cbe5ed8d7e762b/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, 13

John Spears

3/29 4:21 PM

Jeremy Talbert Need a plug for last pic but no leaks in gas line that I can see Very good. I'll get one from the hardware store.



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ATMO Maintenance Group | You, Don, Joe, + 3

John Spears 3/29 4:21 PM  
Jeremy Talbert Need a plug for last pic but no leaks in gas line that i can see Very good. I'll get one from the hardware store.

ATMO Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/29 4:20 PM  
Need a plug for last pic but no leaks in gas line that i can see...

ATMO Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/29 4:20 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-eus-d3-5fc3d9824bc004874da9e3a5b38fb7be/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-eus-d3-5fc3d9824bc004874da9e3a5b38fb7be/views/imgo)

ATMO Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/29 4:19 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-eus-d2-88116e7259d90c0289de0caf58e5119e/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-eus-d2-88116e7259d90c0289de0caf58e5119e/views/imgo)

ATMO Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/29 4:19 PM  
[\[https://us-api.asm.skype.com/v1/objects/0-eus-d5-2023dff559d81b857b720d763686d443/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-eus-d5-2023dff559d81b857b720d763686d443/views/imgo)  
[\[https://us-api.asm.skype.com/v1/objects/0-eus-d14-dae84adfeb79d90d97f1f1cea2a8c97b/views/imgo\]](https://us-api.asm.skype.com/v1/objects/0-eus-d14-dae84adfeb79d90d97f1f1cea2a8c97b/views/imgo)

ATMO Maintenance Group | You, Don, Joe, + 3

John Spears 3/29 2:59 PM  
Jeremy Talbert So many loose connections needs tevin taped again take to much time Right on!

ATMO Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/29 2:58 PM  
So many loose connections needs tevin taped again take to much time...

ATMO Maintenance Group | You, Don, Joe, + 3

Jeremy Talbert 3/29 2:58 PM  
Yes so in gonna isolate right after connection to administration building and disconnect the rest...

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ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/29 2:58 PM

Yes so in gonna isolate right after connection to administration building and disconnect the rest...

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/29 2:57 PM

Burner and Office building. That's pretty much it. Yes. Crazy connections.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/29 2:56 PM

Crazy connections going everywhere.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/29 2:55 PM

In the Mill, all that's needed for gas lines is the FB dryer, correct? Then the admin bldg. right? John Spears I'm sure that place is like a spiders web.

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/29 2:53 PM

Yes i know thats what i was thinking...

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/29 2:52 PM

Sure. We can work on the rest later.

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/29 2:52 PM

I can move this valve down and shut off and plug the end...

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/29 2:52 PM

[https://us-api.asm.skype.com/v1/objects/0-eus-d7-f4f738ee589da1047c0e073493d53173/views/imgo]

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ATMO - Maintenance Group

You, Don, Joe, +3

JT

Jeremy Talbert 3/29 2:51 PM

Be easier than redoing all joints that are leaking...

ATMO - Maintenance Group

You, Don, Joe, +3

JS

John Spears 3/29 2:51 PM

We just can't cut off the Admin building.

ATMO - Maintenance Group

You, Don, Joe, +3

JS

John Spears 3/29 2:50 PM

Jeremy Talbert John can i put a valve here and just disconnect going to otherside i have valve i can use down here Sure.

ATMO - Maintenance Group

You, Don, Joe, +3

JT

Jeremy Talbert 3/29 2:49 PM

John can i put a valve here and just disconnect going to otherside i have valve i can use down here...

ATMO - Maintenance Group

You, Don, Joe, +3

JT

Jeremy Talbert 3/29 2:48 PM

[https://us-api.asm.skype.com/v1/objects/0-eus-d19-23367cbbcc9c6615a47cbraaf06b496d/views/imgo]

ATMO - Maintenance Group

You, Don, Joe, +3

JM

Jessie Molesi 3/29 10:21 AM

Is someone doing maintance...

ATMO - Maintenance Group

You, Don, Joe, +3

JM

Jessie Molesi 3/29 10:21 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d19-1bbe704e07bdff105da59f85df93089c/views/imgo]

ATMO - Maintenance Group

You, Don, Joe, +3

JS

John Spears 3/29 9:09 AM

Jeremy I got your lunch money from your buddy Mark.

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**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/27 5:36 PM  
Jeremy Talbert please Be sure to snap a picture when you complete a project. We'll need to give everything a good greasing first thing tomorrow. Thanks again and have a good evening.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JM** Jessie Molesi 3/27 2:32 PM  
It is in the second floor...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/27 2:29 PM  
Jeremy Talbert ask Jessie where this busted strap is located. Please.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JM** Jessie Molesi 3/27 2:27 PM  
{https://us-api.asm.skype.com/v1/objects/0-cus-d7-1b50b91f77a027f7546f8ff0d2d4c9d/views/imgo}

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JM** Jessie Molesi 3/27 9:56 AM  
Robert Baumann Thank you for catching that.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/27 9:54 AM  
Thank you. Yep, we gotta keep reminding everyone.

**ATMO - Maintenance Group** | You, Don, Joe, +3

**RB** Robert Baumann 3/27 9:52 AM  
Ok I locked the breaker out for the screen shaker's we got to remember to lock things out when we are working on them...

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 3/27 9:39 AM  
Ok. We'll give it a little longer. Jeremy and Jim are working on tightening a drive belt on the classifier. The putty had plenty of time to set up yester afternoon and last night. We're not not to wait. We get a little hot-dry product on top of it and it will set up quick.

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**ATMO - Maintenance Group** | You, Don, Joe, 13

Robert Baumann 3/27 9:20 AM  
John Spears Jeremy Talbert Jim and I worked on the 4th floor vibrator. You'll need to help him put the doors back on. We left them off so the patch compound could dry overnight. Patch compound did not set up. John Spears...

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 3/26 11:23 PM  
Thanks John Spears...

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 3/26 9:36 PM  
Jeremy Talbert Jim and I worked on the 4th floor vibrator. You'll need to help him put the doors back on. We left them off so the patch compound could dry overnight.

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 3/26 9:32 PM  
Nice catching those pulse valves for a good deal.

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 3/26 7:03 AM  
[image]

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 3/25 9:01 PM  
Jeremy Talbert are you available to help Jim and I tomorrow to replace the shaker screens? I'll be glad to come by and pick you up in the morning.

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 3/25 8:00 AM  
Good Morning. While we are ordering three, possibly five, replacement diaphragm pulse valves (these are getting harder and harder to find since it is old technology) and we have repair kits on-hand already, lets repair what we have. I am researching, changing from a pneumatic to an electromechanical pulse valve system...

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 3/24 5:50 PM  
Thanks guys!





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ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 3/24 5:50 PM

Perfect. The team will get on it.

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 3/24 5:50 PM

Russell Tidaback Make sure you keep up with Jeremy's comp time. We don't want to burn him out right away. Sure will.

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 3/24 5:49 PM

Russell Tidaback Do you have a model number for the pulse valves so we can research to find replacements? I have a picture I'll send you.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 3/24 5:49 PM

Hiring the 2nd maintenance guy will help as well.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 3/24 5:48 PM

Make sure you keep up with Jeremy's comp time. We don't want to burn him out right away.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 3/24 5:47 PM

Do you have a model number for the pulse valves so we can research to find replacements?

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 3/24 5:46 PM

Ah. Dang it. I was hoping for an easy fix.

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 3/24 5:46 PM

Russell Tidaback Do we need to remove the valves, sandpaper off the corrosion and put back together? Not really. Part of the material on the sealing surface is missing.



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**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**JS** John Spears 3/24 5:45 PM  
Jeremy Talbert I'm out of town tomorrow but if you we can come to the mill one Sunday. I'll come get you.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**Russell Tidaback (You)** 3/24 5:44 PM  
Do we need to remove the valves, sandpaper off the corrosion and put back together?

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**JS** John Spears 3/24 5:43 PM  
Russell Tidaback I think we have the rebuild kits for the pulse valves. Correct, John Spears ? We have extra diaphragms but three of the pulse valves have corroded edges and do not want to seal. I was hoping that they would seal because new pulse valves are \$250 each.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**Russell Tidaback (You)** 3/24 5:42 PM  
Did all the mill associates get their 40 hours this week? If not John Spears maybe they will want to come in and work some hours over the weekend to get these repaired. We don't want to use production schedule time to do **maintenance**.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**JT** Jeremy Talbert 3/24 5:40 PM  
I will check monday am...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**Russell Tidaback (You)** 3/24 5:39 PM  
Perfect.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**JT** Jeremy Talbert 3/24 5:39 PM  
I think i saw the rebuild kits in **maintenance** office in cabinet.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

---

**Russell Tidaback (You)** 3/24 5:39 PM  
I think we have the rebuild kits for the pulse valves. Correct, John Spears ?

---

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ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/24 5:38 PM  
Jeremy Talbert Seems we are losing alot to box outside Yes. We need to replace three of the pulse valves.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/24 5:38 PM  
Jeremy Talbert Seems we are losing alot to box outside Yep, need to revist the diaphragms and see which ones need rebuilt.

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/24 5:37 PM  
Yes we closed about half way and the inside tanks went from 100-140 psi...

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/24 5:37 PM  
So with no regulator outside no way to see how much air is going to valves...

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/24 5:36 PM  
So can you close the on off valve half way to build pressure?

ATMO - Maintenance Group | You, Don, Joe, 13

JT Jeremy Talbert 3/24 5:36 PM  
Seems we are losing alot to box outside...

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 3/24 5:36 PM  
Jeremy Talbert If you shut off air valve to outside it builds up to 125 psi when opened it goes to barely 87 and if im correct for those valve to fire correctly needs 90-100 Yep, that's definitely a problem.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 3/24 5:35 PM  
Russell Tidaback No leaks Fantastic.



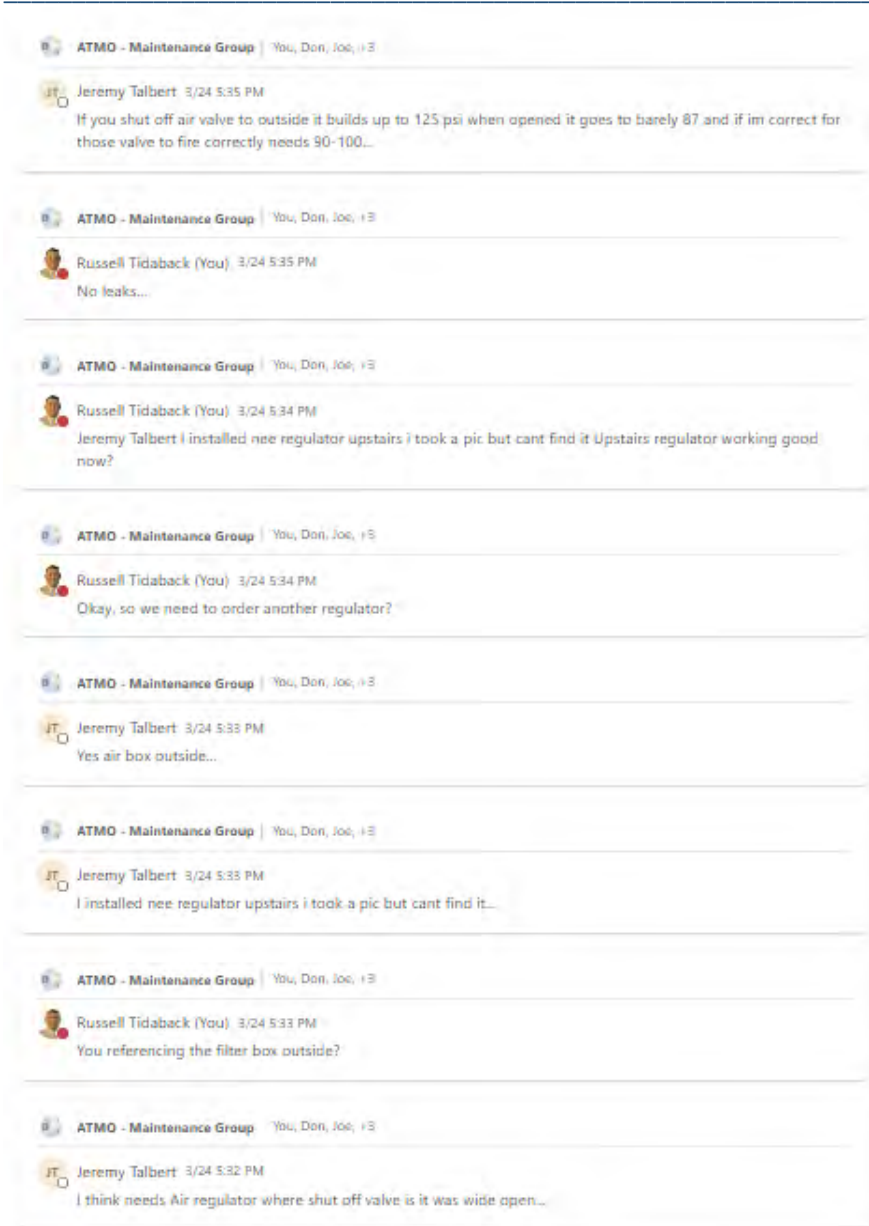
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---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/24 10:51 AM  
Very good!

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 10:08 AM  
Me and Jim are repairing at this time...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 10:08 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d13-ed67c1325fa8ca910544d8bae086bbe/views/imgo]

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/24 10:08 AM  
[https://us-api.asm.skype.com/v1/objects/0-eus-d10-da5e640f6115fd789910306deea319d9/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-eus-d16-b5111338b4700ebdc7d55a52abd8ed1d/views/imgo]  
Vibrator to screen bolts have no nuts or washers...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JS** John Spears 3/23 7:03 PM  
Jeremy Talbert Thanks for being patient alot to take in so ill be asking alot of questions Thanks a bunch. We'll sit down together and look over the **maintenance** folders in Teams. I certainly appreciate your "get after it" mind set. I'll be there to help as well. Thanks again.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**JT** Jeremy Talbert 3/23 6:50 PM  
Thanks for being patient alot to take in so ill be asking alot of questions...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**RB** Robert Baumann 3/23 6:48 PM  
Thank you for jumping in and helping today I appreciate it and value your opinion...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

**R** Russell Tidaback (You) 3/23 6:48 PM  
Yes, sir. We are glad to have you onboard with us. Let us know if you have questions. one key note...if you come across a file that you feel we no longer need, put it in a folder called " Old Files". This way we can review them and delete if necessary.

---

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**ATMO - Maintenance Group** | You, Don, Joe, +3

Jeremy Talbert 3/23 6:46 PM  
I found the tab for where i do **maintenance** check sheet once i figure out phone and laptop stuff i think should be okay thank you for opportunity to do position

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:32 PM  
no such this as over collaboration. 🙄

**ATMO - Maintenance Group** | You, Don, Joe, +3

John Spears 3/23 4:32 PM  
Good deal.

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:32 PM  
As you guys gain more experience... you'll find "new" ways of doing things and this is good. We are all on the same team and anything that makes it easier, we should all be open too.

**ATMO - Maintenance Group** | You, Don, Joe, +3

Jordan Tidaback 3/23 4:31 PM  
If you need to see what the mill guys are putting in the daily workplace exam or forklift exam, you can find it here. [image]

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:31 PM  
We try to use forms more than a spreadsheet for ease of use.

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:31 PM  
A lot of documents you'll see were created but they didnt keep the spreadsheet. So it may be necessary to recreate to capture the data.

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 3/23 4:30 PM  
Jessie Molesi ok sorry for the confusion. oh no, no confusion. Questions are good! Im glad you found the equipment inspection document.

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ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/23 4:29 PM  
📄 Printing is really, really frowned up.

ATMO - Maintenance Group | You, Don, Joe, + 3

JM Jessie Molesi 3/23 4:29 PM  
ok sorry for the confusion.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/23 4:28 PM  
The Daily Workplace Inspection Form, is the link at the top of the "Mill - Plant - Group"

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/23 4:27 PM  
Jessie Molesi Jeremy Talbert Is this what you need This checklist pdf is more for a piece of rolling equipment. We DO NOT want to print and have papers. If a new checklist needs to be created, let us know and we can have the IT team create a new form. With a Form the data can be captured into a spreadsheet for review.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/23 4:25 PM  
[image]

ATMO - Maintenance Group | You, Don, Joe, + 3

JM Jessie Molesi 3/23 4:24 PM  
Jeremy Talbert Is this what you need...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 3/23 4:24 PM  
[image]

ATMO - Maintenance Group | You, Don, Joe, + 3

JM Jessie Molesi 3/23 4:24 PM  
Daily Safety Checklist.pdf  
📄 Daily Safety Checklist.....



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ATMO - Maintenance Group | You, Don, Joe, +3

Jeremy Talbert 3/23 4:23 PM  
Can you please direct me to the workplace safety check sheet...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 3:12 PM  
Interviewing a **maintenance** applicant. Be there directly.

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:58 PM  
on my way.

ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 3/23 2:52 PM  
John Spears the system did the same thing as yesterday all going back to return trying to get it figured out...

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:45 PM  
Some of the joints have rusted in the threaded area and doing so has caused holes because the wall is thinner. Rob has found a few joints that need reworked.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:31 PM  
yep, we really need to get the air system to stop bleeding air out. disconnect whats not being used, vulcanized rubber around the joints, etc...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:30 PM  
perfect!

ATMO - Maintenance Group | You, Don, Joe, +3

John Spears 3/23 2:27 PM  
Russell Tidaback One will be delivered tomorrow, per Amazon. Just that one on the 4th floor for now. The leaking one on the bag sealer can be unhooked. Don't use it anyway.

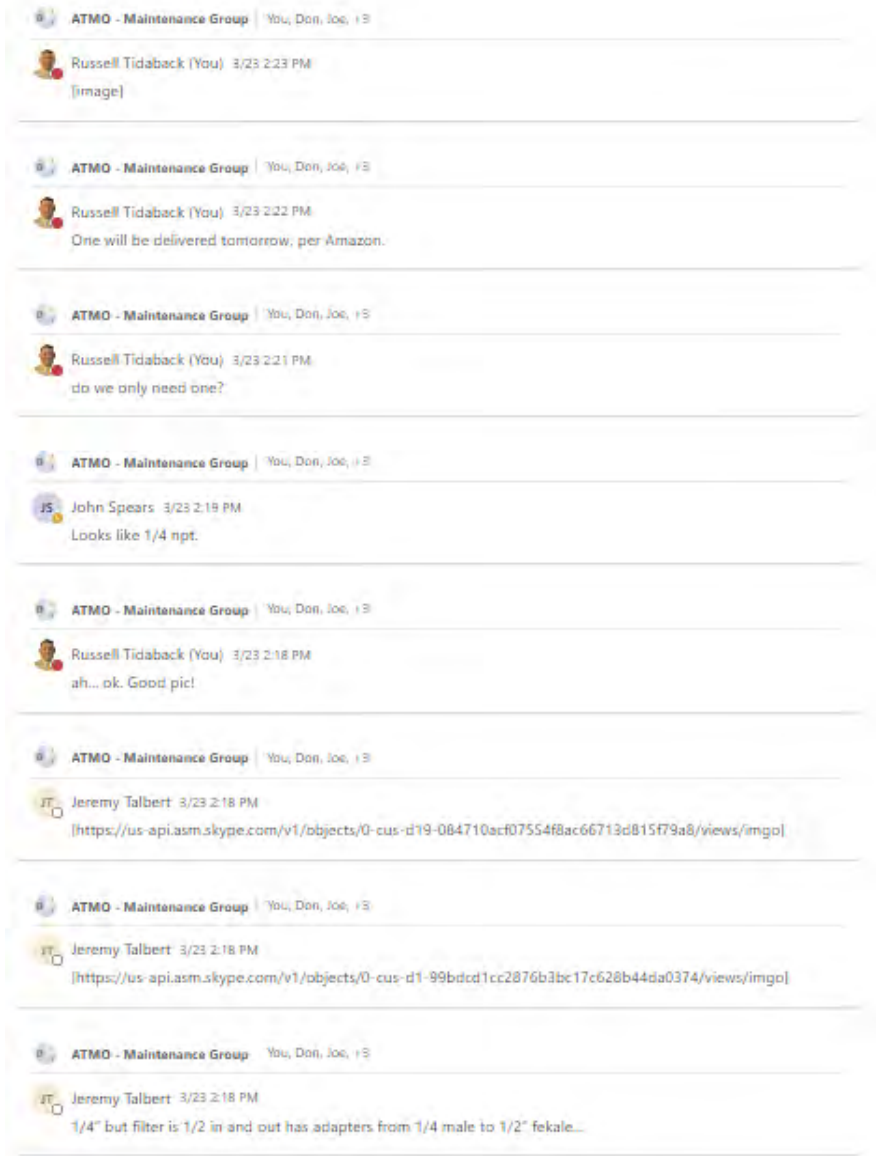


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ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:12 PM  
haha, good question...

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 3/23 2:12 PM  
Russell Tidaback We need to get one quickly for the 4th floor compressor but we also need to be cognizant of cost... Is that one coming from China with a big shipping fee?

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:12 PM  
If I am not mistaken the regulator on the 4th floor is leaking, the bigger regulator is leaking... just trying to figure out how many we need to replace.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:10 PM  
We need to get one quickly for the 4th floor compressor but we also need to be cognizant of cost... [image]

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/23 2:07 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d8-49b180f63068427db35b768a4bc57356/views/imgo] Tractor supply has a few different one it shows online...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 3/23 2:05 PM  
Is that 1/4 in line?

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/23 2:05 PM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d1-a77834c5875ac4c835c883b17f9eb8a6/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, +3

JT Jeremy Talbert 3/23 2:00 PM  
Okay...



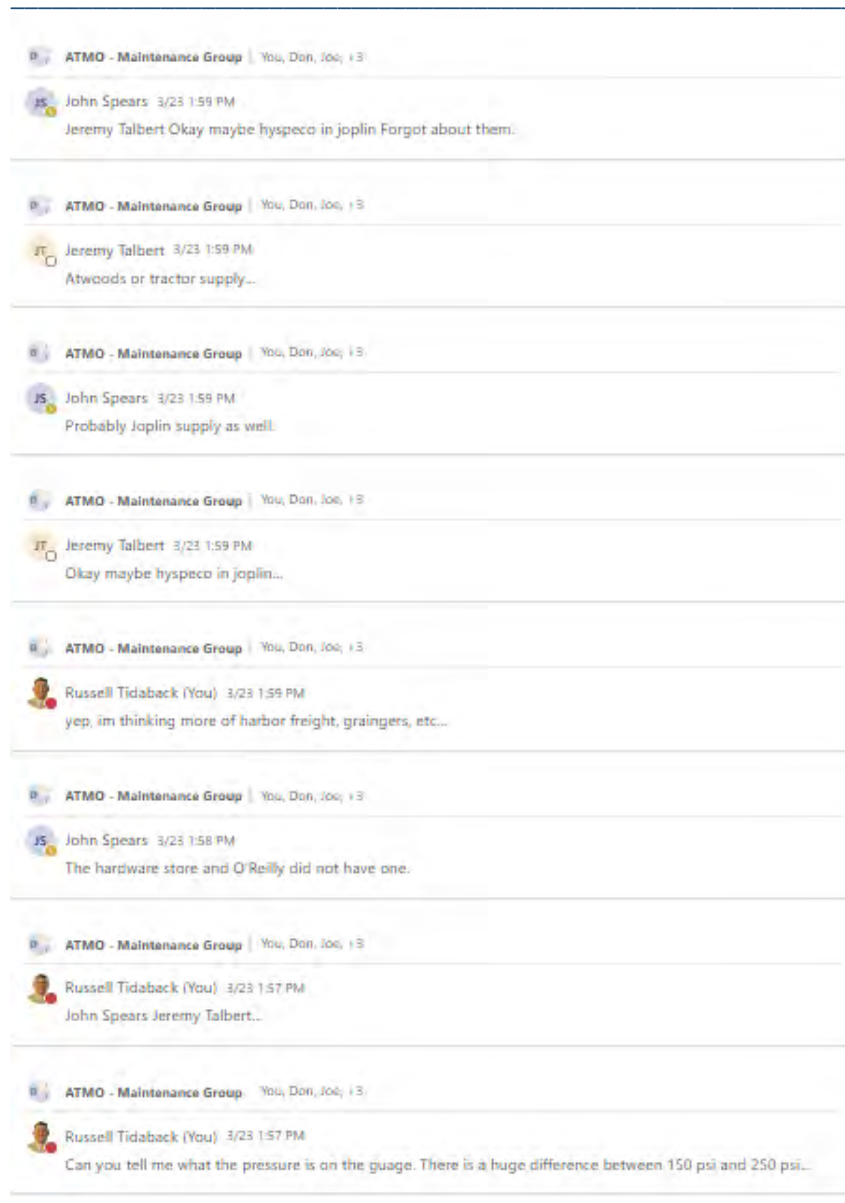


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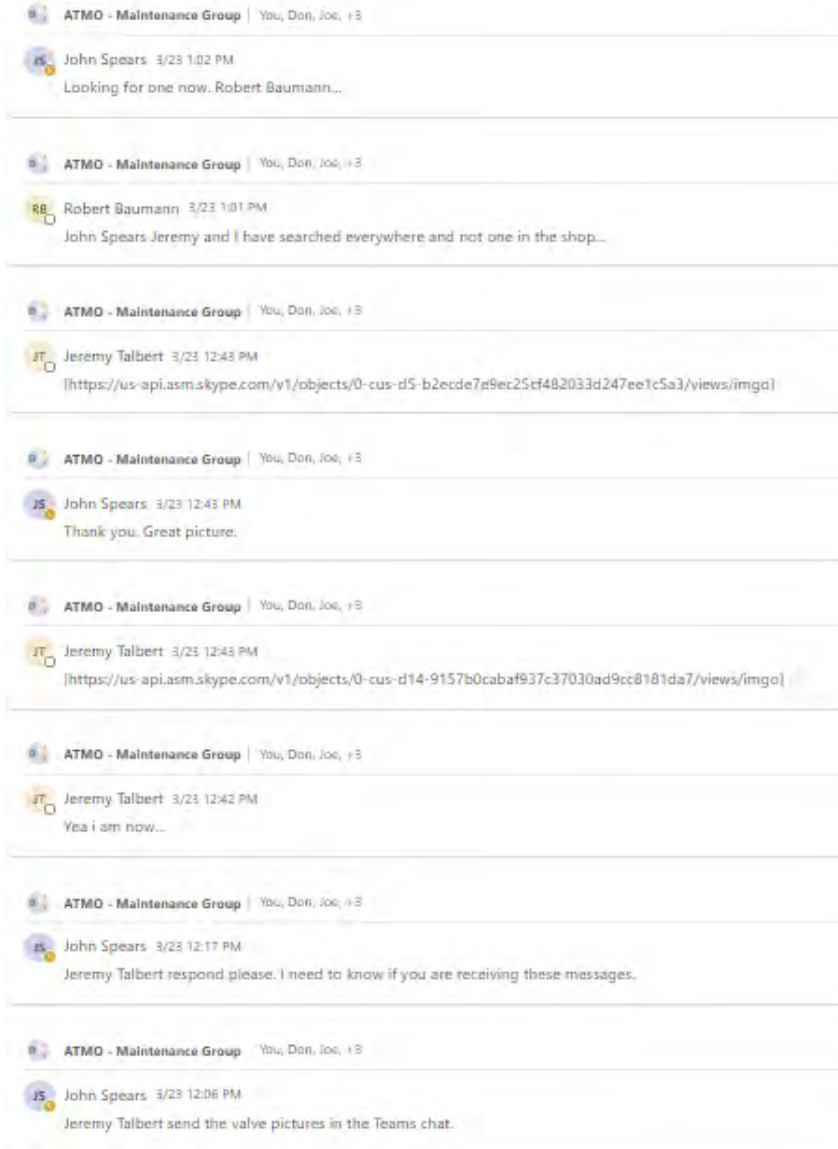


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ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/8 11:59 AM  
[https://us-api.asm.skype.com/v1/objects/0-cus-d15-9c830762df0117f54d1f7334bd28128b/views/imgo]

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/8 11:58 AM  
■ This is the adjustable valve on the fourth floor vacuum that leaks and needs replaced.

ATMO - Maintenance Group | You, Don, Joe, + 3

Jordan Tidaback 3/8 11:55 AM  
Something from Radwell was delivered. Want me to bring it over?

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 3/1 12:26 PM  
Jordan Tidaback John Spears Russell Tidaback I put the conduit between the ladder that goes up to the roof and the building. I thought it went to something on the roof, but if not, I can move it to where you need it...  
Thank you.

ATMO - Maintenance Group | You, Don, Joe, + 3

Jordan Tidaback 3/1 12:06 PM  
John Spears Russell Tidaback I put the conduit between the ladder that goes up to the roof and the building. I thought it went to something on the roof, but if not, I can move it to where you need it. Just let me know.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/26 5:32 PM  
Thats fine. I'll be there tomorrow and we can talk then.

ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/26 5:28 PM  
And its everything to do with this job...

ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/26 2:25 PM  
Im not moving to arkansas...

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ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/26 12:01 PM

Gage Wheeler I am very disappointing in hearing this and your two week notice. I had higher hopes and expectations for you. I hope this is due to you moving back to Arkansas / family related / etc and not due to the job. Will you be there at the Mill tomorrow?

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/26 11:51 AM

I just spoke with John I am in Arkansas also as of effective tomorrow I am putting in my two week notice...

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 2/26 10:34 AM

Gage Wheeler RJ and I are at the mill replacing a couple of power cords. RJ is going to help you with the bagger/packer today.

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 2/25 7:41 PM

Russell Tidaback hmmm... I told him that we need to get the bagger up and going before 8am Monday. Not at 8am, but before, production is scheduled to start at 8am. I've never used the ATF-Acetone...

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/25 7:40 PM

hell of a lot cheaper than Kroil too.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/25 7:39 PM

John Spears Kroil is good stuff. Yeah, I'm going to try the ATF-Acetone next time for penetrating fluid.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/25 7:39 PM

hmmm... I told him that we need to get the bagger up and going before 8am Monday. Not at 8am, but before, production is scheduled to start at 8am.

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 2/25 7:37 PM

Russell Tidaback Did Gage Wheeler reply to you? Not yet.

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**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 2/25 7:37 PM  
Did Gage Wheeler reply to you?

**ATMO - Maintenance Group** | You, Don, Joe, +3

John Spears 2/25 7:36 PM  
Kroll is good stuff.

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 2/25 4:53 PM  
Something to think about... kroll is still widely used today but is expensive! (Selected photo)

**ATMO - Maintenance Group** | You, Don, Joe, +3

John Spears 2/25 3:43 PM  
Gage Wheeler Good afternoon. What time do you plan to be here tomorrow so I can coordinate some help for you?

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 2/24 9:31 PM  
John Spears just so I don't forget... I just spoke with Gage Wheeler, he will not be available Saturday and should be available Sunday. I asked him to post here the game plan so you can coordinate to have someone else assist him on Sunday to get the bagger working before Monday morning.

**ATMO - Maintenance Group** | You, Don, Joe, +3

Gage Wheeler 2/25 11:46 AM  
Also got done two electrical citations done as well...

**ATMO - Maintenance Group** | You, Don, Joe, +3

Russell Tidaback (You) 2/21 8:48 AM  
John Spears on the old light fixtures that we just replaced, please take a couple pictures of the bulb sockets from different angles. I need to show that by manufacturer design they aren't a shock hazard.

**ATMO - Maintenance Group** | You, Don, Joe, +3

John Spears 2/20 4:38 PM  
Gage Wheeler I wired in a light switch lol i just need the air on to test so does have to be tomorrow after the inspection? Cause if it does no big deal cause if it doesnt work now i just have to make a 4in jumper... Very good. Thank you.



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ATMO - Maintenance Group | You, Don, Joe, 13

GW

Gage Wheeler 2/20 4:17 PM

I wired in a light switch lol i just need the air on to test so does have to be tommorow after the inspection? Cause if it does no big deal cause if it doesnt work now i just have to make a 4in jumper wire...

ATMO - Maintenance Group | You, Don, Joe, 13

JS

John Spears 2/20 3:37 PM

Sure thing.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/20 3:35 PM

I'd like to be ready to run bags tomorrow.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/20 3:34 PM

Perfect. Hopefully the inspector will be there early and we will get to producing. Since that's done, can we get some time on the bagger switch?

ATMO - Maintenance Group | You, Don, Joe, 13

JS

John Spears 2/20 3:32 PM

All of the citations are covered.

ATMO - Maintenance Group | You, Don, Joe, 13

JS

John Spears 2/20 3:32 PM

[https://us-api.asm.skype.com/v1/objects/0-cus-d13-44ad4e32d7b5fc9f12228b7157e6e769/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d10-56fbc935e5fe42dde319bcf71e53e1fb/views/imgo]  
[https://us-api.asm.skype.com/v1/objects/0-cus-d16-611fec31bb774f1699919aea77931f/views/imgo]...

ATMO - Maintenance Group | You, Don, Joe, 13

GW

Gage Wheeler 2/20 12:30 PM

[Media]

ATMO - Maintenance Group | You, Don, Joe, 13

GW

Gage Wheeler 2/20 12:29 PM

[Media]

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ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/20 10:36 AM  
We left at 3pm sorry im not get notifications on this thing anymore..

ATMO - Maintenance Group | You, Don, Joe, +3

JS: John Spears 2/18 7:14 PM  
Gage Wheeler what time did y'all leave today?

ATMO - Maintenance Group | You, Don, Joe, +3

JS: John Spears 2/18 4:33 PM  
Gage Wheeler All the lights are done Fantastic!

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/18 3:52 PM  
Great. Looks good. Make sure you post here when you and Andrew are done and leave for the day.

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/18 1:24 PM  
All the lights are done...

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/18 1:24 PM  
[Media]

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/18 10:08 AM  
What is the code for the security...

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/17 4:42 PM  
Ok whats you ETA back to the mill...



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**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/17 4:37 PM  
The ones I have from Home Depot are just the plunger end. Will a few of the older flat ends work if two plunger ends will not? Otherwise I have 7 for sure pairs.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Gage Wheeler 2/17 4:38 PM  
And how many is that cause i need 9 sets...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/17 4:32 PM  
Enough to finish and a couple of spares.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Gage Wheeler 2/17 4:31 PM  
If you have those sockets we are good to go how many did you get...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/17 4:30 PM  
Gage Wheeler I have the tomstones. What type of lights do we need to finish the job?

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Gage Wheeler 2/17 4:29 PM  
And do you have a plan for placement since at least one will need a box, socket and cover? these can be linked... I do not have a plan for place ment just yet. Whatvis the staus of the other socket end John Spears...

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

John Spears 2/17 4:16 PM  
Looks good. I'll check in with them tomorrow.

---

**ATMO - Maintenance Group** | You, Don, Joe, 13

Russell Tidaback (You) 2/17 4:07 PM  
[image] John Spears - <https://www.harborfreight.com/promotions...>



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ATMO - Maintenance Group | You, Don, Joe, + 3



Russell Tidaback (You) 2/17 4:05 PM

And do you have a plan for placement since at least one will need a box, socket and cover? these can be linked...



ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/17 4:04 PM

How many do you need Gage Wheeler since these are an "in-Store Only" purchase?



ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/17 4:03 PM

best deal out there... good call Gage. [image]



ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/17 3:59 PM

perfect. Use those if you need to...



ATMO - Maintenance Group | You, Don, Joe, + 3



GW: Gage Wheeler 2/17 3:58 PM

I have 3 brand new fixtures in my maint office...



ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/17 3:58 PM

Ah, okay. Will look into it. Thanks...



ATMO - Maintenance Group | You, Don, Joe, + 3



GW: Gage Wheeler 2/17 3:57 PM

Sorry the lights have a simple 3 prong plug that you just plug in a outlet...



ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/17 3:56 PM

Sounds good. When you get a chance post more details on these "simple plugs".

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ATMO - Maintenance Group | You, Don, Joe, 13

Gage Wheeler 2/17 3:55 PM  
Harbor freight make some the simple plugs in if we cant find any...

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/17 3:55 PM  
looks good gage.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 2/17 3:54 PM  
👍

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/17 3:44 PM  
I told them if we cant find any by tomorrow, then we need to look at buying all new fixture. If you have a fixture youd like LED preferably let us know.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/17 3:42 PM  
Crazy as it appears a lot of places are out of those sockets. Still searching for the.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 2/17 3:42 PM  
Cool...

ATMO - Maintenance Group | You, Don, Joe, 13

Gage Wheeler 2/17 3:41 PM

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 2/17 3:00 PM  
Robert Baumann They have these at south side feed in neashio 4 separate panels one with a gate 40 ft total  
John Spears cheapest around Good deal. I'll be there tomorrow.

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ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 2/17 2:58 PM  
[Captured photo] They have these at south side feed in neosho 4 separate panels one with a gate 40 ft total  
John Spears cheapest around...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/17 10:54 AM  
13 more set if someone can find them locally that would be cool john already bought all of them from lowes in  
neosho...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/17 10:48 AM  
I need more of these...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/17 10:48 AM  
[Media]

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/17 10:01 AM  
Gage Wheeler **maintenance** meeting.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/15 1:22 PM  
Any citation that has been abated, please let me know ASAP. We are suppose to contact Mr. Shawn Pratt about  
each one. So he can verify that it was abated in their system, (think email trail)

ATMO - Maintenance Group | You, Don, Joe, +3

JS John Spears 2/15 1:20 PM  
Sounds good.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/15 1:20 PM  
I am Ccing you in on the Conference Request email to Mr Tony Simms on the few citations that I believe there is  
nothing we can do about them.



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ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 2/15 1:18 PM  
Some looked like extra pieces that had been there for a while. I'll make sure.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/15 1:17 PM  
"lying on the ground"

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/15 1:16 PM  
or not in place...

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/15 1:16 PM  
The guarding is what we should be focusing on as it appears a lot of guarding was/is missing.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 2/15 1:16 PM  
Oh, ok...

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/15 1:15 PM  
John Spears Yes we do. But if the lights do not come on we would receive a citation for inadequate lighting. Mr. Prewett said a citation would be written either way. yep, I tried deleting my post before you received it as I did recall the insufficient lighting discussion after I sent my message.

ATMO - Maintenance Group | You, Don, Joe, 13

JS John Spears 2/15 1:14 PM  
Yes sir.

ATMO - Maintenance Group | You, Don, Joe, 13

Russell Tidaback (You) 2/15 1:14 PM  
I sent you my suggestion and responses to the citations. There are a couple we need more clarification on from Mr licklider.

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ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 2/15 1:14 PM

Russell Tidaback John, do we not have a bulb to put into the socket to abate the light socket issue? Yes we do. But if the lights do not come on we would receive a citation for inadequate lighting. Mr. Prewett said a citation would be written either way.

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 2/15 12:38 PM

On my way to get electrical parts.

ATMO - Maintenance Group | You, Don, Joe, + 3

Jordan Tidaback 2/14 12:49 PM

...The Ops Mgr and **maintenance** person usually work hand in hand when the inspector is there so we can fix the simple things quickly on site before he leaves....

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/14 12:49 PM

Gage Wheeler Mike Peterson from Premier Tech is going to call you to help with the bagger.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/14 12:48 PM

Ah... makes sense.

ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/14 12:40 PM

Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector. Then whats this about and when i asked about it john said he didnt want me volunteering information because of the question i asked about a certin code to keep our...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/14 12:36 PM

Yep, I didn't think you did or would.

ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/14 12:34 PM

And the only thing thats was asked that i told him was about the Ground testing documentation...



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---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/14 12:33 PM  
Well just make myself absolutely clear i wasnt giving up any information voluntarily thats wasnt directly asked of me by the msha inspector...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/14 12:27 PM  
Oh well, thanks for just nodding and agreeing with the inspector. That's all we can do.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/14 12:26 PM  
Amen to That!!!

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/14 12:24 PM  
No he doesnt almost all of it is a no go Well regardless of that i wasnt volunteering information heres two logically reasons why 1. why would i create more work for myself than i have to 2. I dont have to point anything out if there is anything wrong with anything hes gonna find it and write it up without the help from...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/14 12:21 PM  
What was the question about expanded metal? He didn't like the current guarding?

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/14 12:20 PM  
It's all good. Have to remember each inspector is going to have a different opinion of what is right...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/14 12:19 PM  
Yep, I think the best way to approach the guarding issue is to put a gate entrance at the stairs going down/up from the production floor. Just an idea...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/14 12:13 PM  
The certin question was about the expanded metel that was used and it is a now go thats all i was doing i wasnt giving information about other things or whatever i didnt even join the inspection **group** till he pointed things that need to be fix because at that point it became my Business

---

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**ATMO - Maintenance Group** | You, Don, Joe, + 3

**Gage Wheeler** 2/14 12:11 PM

There was no Volunteering information i was asking a question about a specific code that way we can get the right kind of material on the way to fix the guards so whe can be in compliance so we can terminate the Citations...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**John Spears** 2/14 11:22 AM

Those are the best representative pictures I've seen so far.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**Russell Tidaback (You)** 2/14 11:15 AM

MSHA Guide to Equipment Guarding <https://ariweb.msha.gov/s%26hinfo/equipguarding2004.pdf...>

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**John Spears** 2/14 11:13 AM

[6:55 AM] John Spears I understand. I should have been more specific about not volunteering information. I will escort the inspector. like 1...

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**John Spears** 2/14 7:35 AM

Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**Russell Tidaback (You)** 2/13 2:29 PM

Gage Wheeler Did you get ahold of PremierTech?

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**John Spears** 2/13 2:12 PM

[<https://us-api.asm.skype.com/v1/objects/0-cus-d3-5db94522a244a02b561643f4d37f48bb/views/imgo>]

**ATMO - Maintenance Group** | You, Don, Joe, + 3

**John Spears** 2/13 2:11 PM

These two openings will a cover.

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ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 2/13 11:54 AM

Russell Tidaback It probably has to do with the cold weather/temp of the fuel coming in. I was thinking the same thing about the cold and not being used for two days.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 11:44 AM

It probably has to do with the cold weather/temp of the fuel coming in.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 11:48 AM

Robert Baumann for now, lets not turn the valve to idle. Just stop just short of idle in case there is carbon build up in the valve.

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 2/13 11:17 AM

I'll get a hold of Chuck from American Boiler and see if he thinks the valve is sticking.

ATMO - Maintenance Group | You, Don, Joe, + 3

RB Robert Baumann 2/13 11:01 AM

It keeps backing off even when it is set now something has to be going out and it seems like it's getting worse  
John Spears it will run fine for only a minute or two now temp keeps backing off randomly...

ATMO - Maintenance Group | You, Don, Joe, + 3

JS John Spears 2/13 10:56 AM

I tapped on the green valve that has the modulator/actuator attached to it and the valve opened up. The modulator or the valve is sticking when the burner is reduced to idle.

ATMO - Maintenance Group | You, Don, Joe, + 3

RB Robert Baumann 2/13 10:45 AM

[Selected photo] [Selected photo] [Selected photo] Can't get the regulator to work on the burner system usually you tap on the regulator and it gets it going but now it won't work at all. Was working fine til now...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 10:12 AM

They are in Colorado, i believe, so they are an hour behind. Troubleshoot what you can from the books, prepare your questions and call them in an hr.



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ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/13 10:10 AM  
ok...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 10:10 AM  
lets call PremierTech first...

ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/13 10:10 AM  
ok well i can dig into it sure but i have to halt production of bluk bags also im gonna need a industrail electrician in here to help me...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 10:08 AM  
oh yea, I dont think it was anything youve done. Thats not what I was meaning.

ATMO - Maintenance Group | You, Don, Joe, + 3

GW Gage Wheeler 2/13 10:07 AM  
i can ensure you that i didnt cross a hose or wire cause i didnt mess with anything like that pretty much all ive done with make the air automated with a solinoid and make the mottor mannually controled...

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 10:07 AM  
when looking at the baggers.... keep in mind they are two seperate pieces of equipment. with the jerry rigging thats been done to them. Try to isolate the two machines and troubleshoot from there. We only have 3-4 days left of bulk bag orders so this needs to be an immediate priority.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 10:06 AM  
We are contemplating one going ahead buying these, just to have as a contingency plan for the two we have now.

ATMO - Maintenance Group | You, Don, Joe, + 3

Russell Tidaback (You) 2/13 10:05 AM  
Russell Tidaback it will take them 4-6 weeks to get the packer to us. Lets focus on getting the packer working. They have to replace the controllers and have us send them a 50# and 100# bag to program it.

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ATMO - Maintenance Group

You, Don, Joe, + 3

Russell Tidaback (You)

2/13 10:02 AM

plus, someone mentioned something "started working" that jim states hasnt worked in years... what was that something and lets turn that off as it may be related electrically to the issue we are experiencing with the bagger.

ATMO - Maintenance Group

You, Don, Joe, + 3

Russell Tidaback (You)

2/13 10:01 AM

I dont think the PLC programming is the issue. Since we didnt mess with it. my thoughts are someone cross hooked a plug, wire, hose, etc on the machines while trying to help troubleshoot the valve issue.

ATMO - Maintenance Group

You, Don, Joe, + 3

Russell Tidaback (You)

2/13 9:59 AM

Make sure to call the PremierTech guys this morning. They are pretty good about helping. Just be advised that they will push to have one of their guys come out at \$15k for 2-3 days (air flights, hotels, per diem, etc). Thats a no-go at this time. 🙄

ATMO - Maintenance Group

You, Don, Joe, + 3

Russell Tidaback (You)

2/13 9:57 AM

it will take them 4-6 weeks to get the packer to us. Lets focus on getting the packer working.

ATMO - Maintenance Group

You, Don, Joe, + 3

GW

Gage Wheeler

2/13 9:44 AM

its up to yall on which direction we wanna go...

ATMO - Maintenance Group

You, Don, Joe, + 3

GW

Gage Wheeler

2/13 9:44 AM

hey i checked out that bagger you put on there that will be a pretty easy install i clicked on the link and looked at the blue prints and it would take pretty minimal fabrication to install i also called them noone answered of course but if we are serious about that i can go out there and really dig into everything we...

ATMO - Maintenance Group

You, Don, Joe, + 3

Robert Baumann

2/13 8:56 AM

Gage Wheeler John Spears as soon as you get here can we get the belt back on the Mac it threw one and we can check the other 2...

ATMO - Maintenance Group

You, Don, Joe, + 3

GW

Gage Wheeler

2/10 8:26 PM

Thats what i keep feeling like...

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ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 6:15 PM  
True... but nothing surprises me there. My conspiracy side says someone is f#king with us...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/10 5:57 PM  
I'm just not understanding how it goes from working 1 second and to not working the next...

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/10 5:56 PM  
I don't think anyone's that savvy to mess with input wires for the PLC system...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:54 PM  
They said it has happened where an operator changed the cable and the sequence was triggering out of sequence...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:53 PM  
I told them I doubt anyone there is PLC experienced or have a laptop to see the language.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:52 PM  
Yeah... discussing with others... the cabling... could someone have while troubleshooting changed to cabling?

ATMO - Maintenance Group | You, Don, Joe, +3

GW Gage Wheeler 2/10 5:38 PM  
Left messages no return call tried to do my own digging and the only thing i was able to come up with is a fault input into the plc but i cant tell that without a laptop...

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 5:36 PM  
Gage Wheeler Any luck on the Bagger support?

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ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/10 5:06 PM

fyi... As a Backup plan to the Bagger/Palletizer, we are looking into acquiring a single bagger machine. We are looking at this one but waiting on the Salesman to return our inquiry...  
<https://www.arnoldexp.com/listings/973313-ecc-inc-sr-206> We will need to fabricate a door/chute on the...

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/10 2:05 PM

Awesome i will give me a call.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/10 2:00 PM

Even better and I remember talking with him. He is helpful... [image]

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/10 1:57 PM

Sorry, it took me a while to find this.

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/10 1:57 PM

[image]

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/10 12:15 PM

They went belly up in 2011...

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/10 12:12 PM

no worries, if need be call the bagger company and see if they can assist you in troubleshooting it.

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/10 12:11 PM

ok i spoke with john about it and nothing i did messed with communications me and john ran a bag yesterday and everything work as it should so im not understanding what happend or why it did it...

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ATMO - Maintenance Group | You, Don, Joe, +3



Russell Tidaback (You) 2/10 12:07 PM

It is a computer system. It may need 2 - 5 minutes of off time to clear its memory.



ATMO - Maintenance Group | You, Don, Joe, +3

Gage Wheeler 2/10 12:06 PM

yep tried that...



ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You) 2/10 12:05 PM

Try shutting power off to the bagger system and restart it?



ATMO - Maintenance Group | You, Don, Joe, +3

Gage Wheeler 2/10 11:20 AM

So we are still are having issues with the bagger not the function it self but for some odd reason we have lost communications with the motor control unit and its make things run out of order i dont have the software to get in it and look nothing i did messed with communications...



ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 2/10 9:31 AM

But we are having issues with the bagger...



ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 2/10 9:30 AM

I got it figured out nevermind but...



ATMO - Maintenance Group | You, Don, Joe, +3

Gage Wheeler 2/10 9:21 AM

Yep i sure can...



ATMO - Maintenance Group | You, Don, Joe, +3

Robert Baumann 2/10 9:20 AM

Gage Wheeler can you help us see if we can get the low bin light to work on the bagger...



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ATMO - Maintenance Group

You, Don, Joe

3

GW

Gage Wheeler

2/9 5:25 PM

Not a problem boss man...

ATMO - Maintenance Group

You, Don, Joe

3

Russell Tidaback (You)

2/9 5:22 PM

Awesome!!!!!! Thanks Gage!

ATMO - Maintenance Group

You, Don, Joe

3

GW

Gage Wheeler

2/9 5:21 PM

The new air solinoid is instailled and it working good me and john filled a bag and it shut off by itself so tommarow we can run bags...

ATMO - Maintenance Group

You, Don, Joe

3

GW

Gage Wheeler

2/9 12:07 PM

Yep i have them in my hands...

ATMO - Maintenance Group

You, Don, Joe

3

JS

John Spears

2/9 12:04 PM

Gage Wheeler we have the new air valves.

ATMO - Maintenance Group

You, Don, Joe

3

JS

John Spears

2/9 12:03 PM

Got 'em.

ATMO - Maintenance Group

You, Don, Joe

3

Russell Tidaback (You)

2/9 12:00 PM

Thanks!

ATMO - Maintenance Group

You, Don, Joe

3

JS

John Spears

2/9 12:00 PM

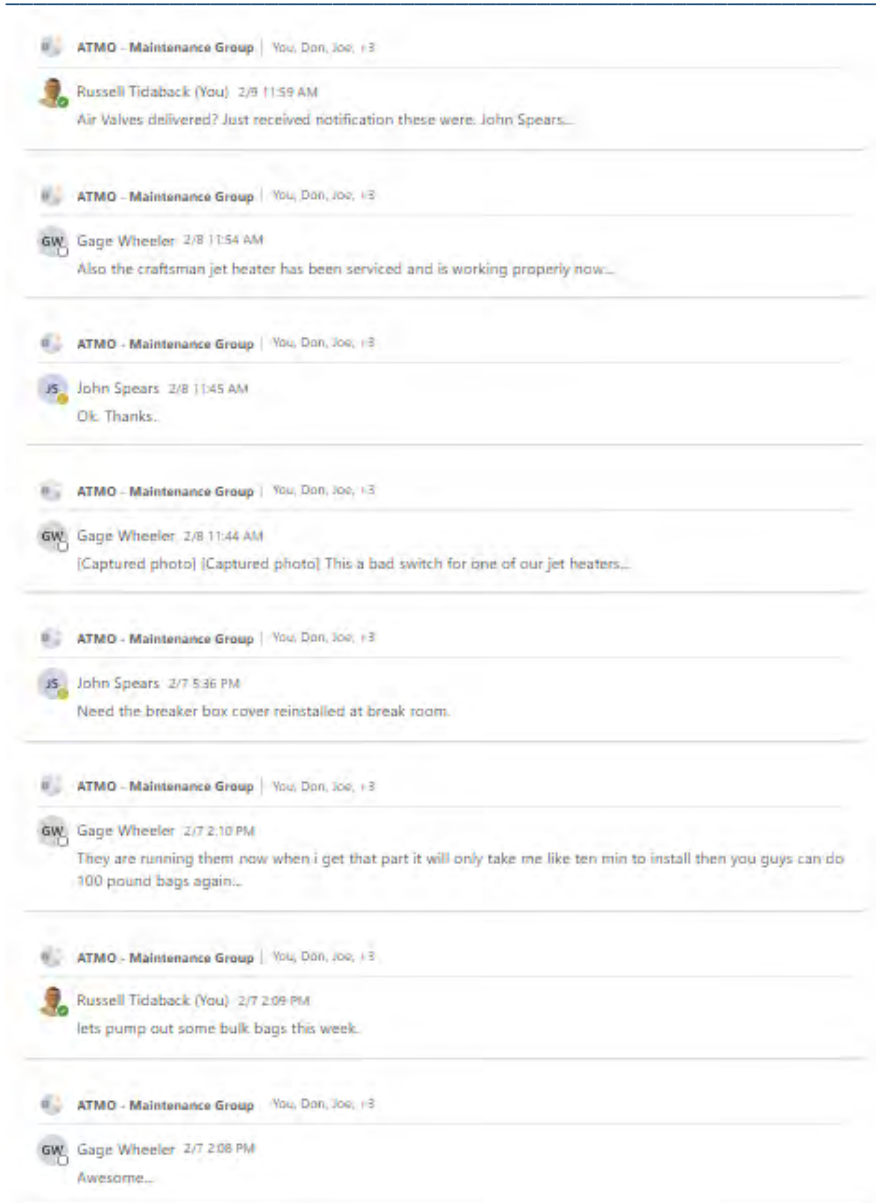
Russell Tidaback Air Valves delivered? Just received notification these were. John Spears Good deal. I'll check the vestibule.

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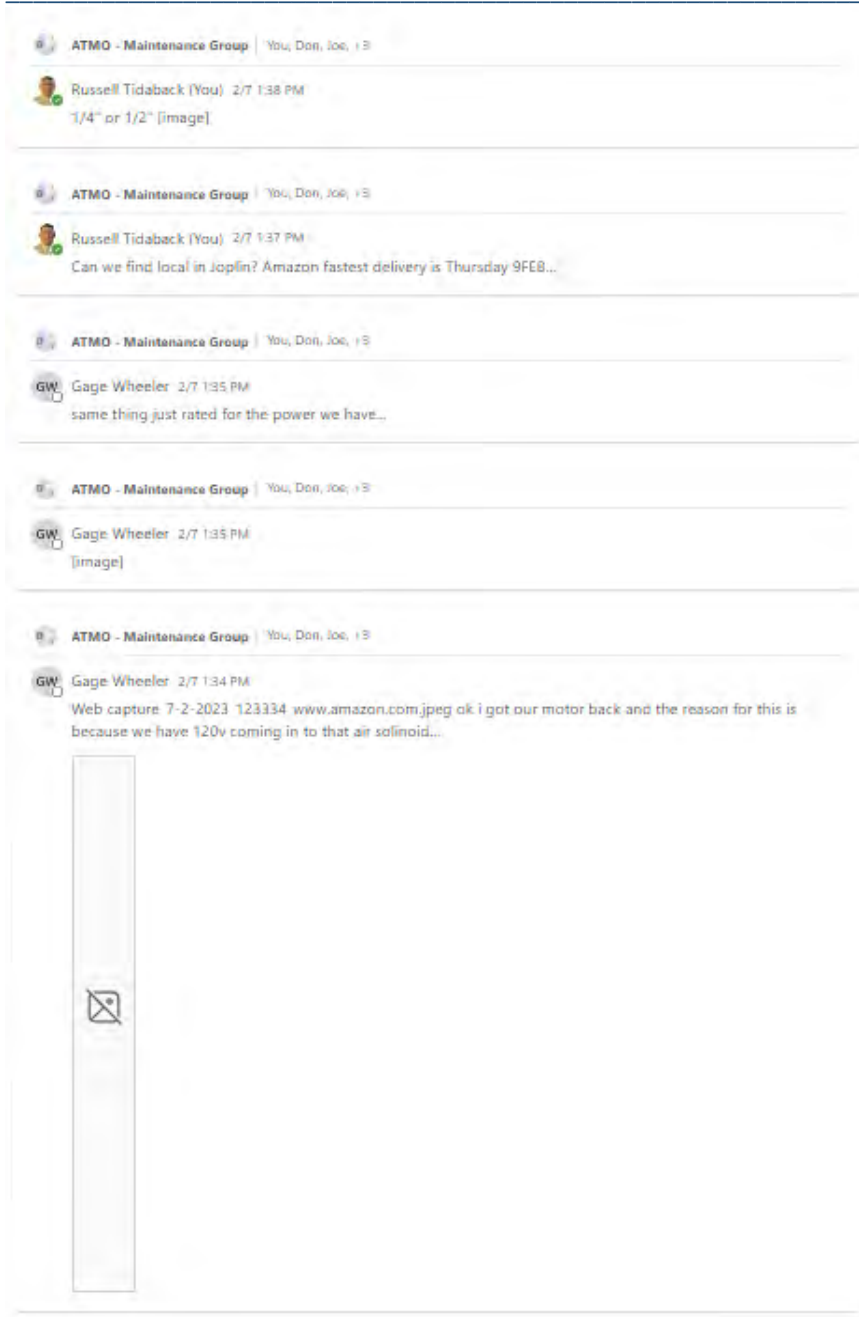


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ATMO - Maintenance Group | You, Don, Joe | 3

GW | Gage Wheeler 2/7 10:09 AM  
Ok turn the power off...

ATMO - Maintenance Group | You, Don, Joe | 5

RB | Robert Baumann 2/7 10:08 AM  
Was also smoking out of the controller box...

ATMO - Maintenance Group | You, Don, Joe | 5

RB | Robert Baumann 2/7 10:06 AM  
So still can't run 100 sacks ran two bulk bags to switch to dgr and this is what happened when we tried bagging...

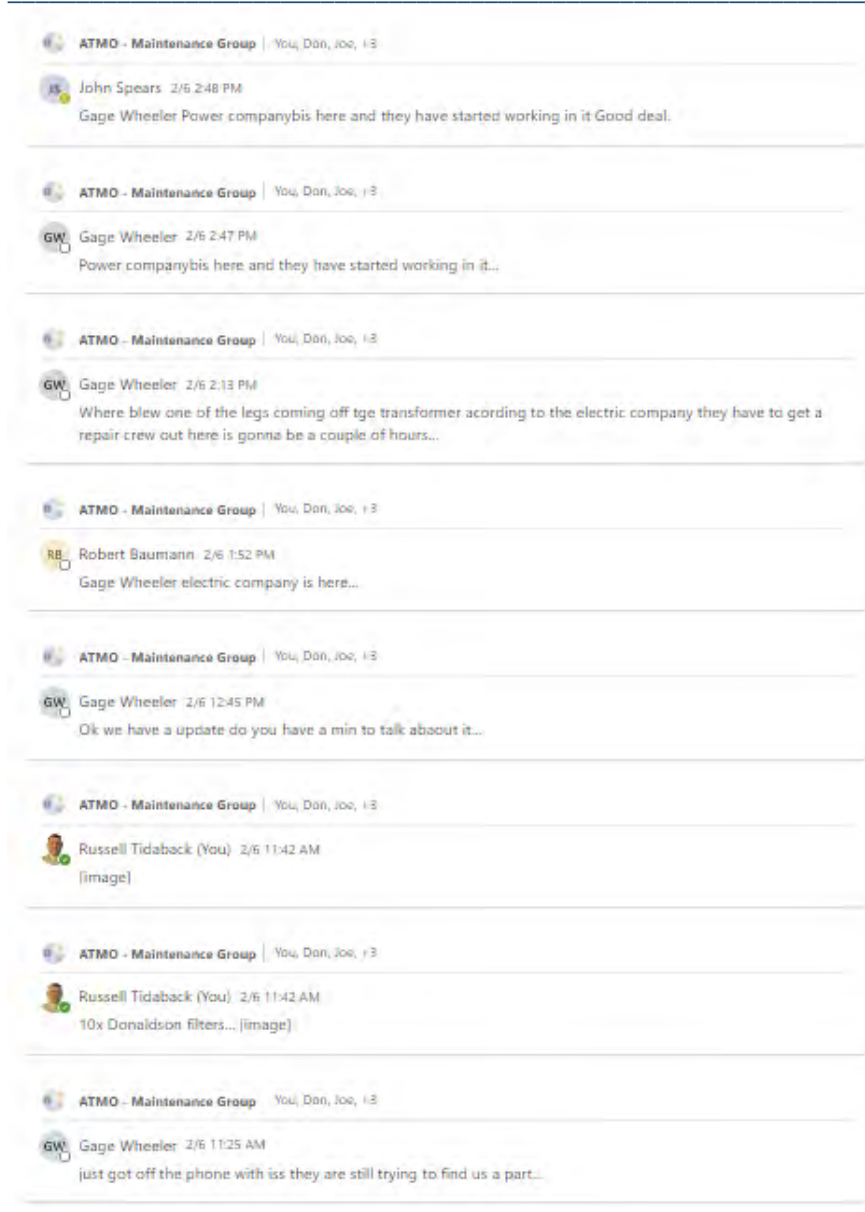
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ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/6 10:52 AM

Ok me and iss figured it out they are getting us a part...

ATMO - Maintenance Group | You, Don, Joe, +3

JS: John Spears 2/6 10:37 AM

ISS is good information as well. We'll call them.

ATMO - Maintenance Group | You, Don, Joe, +3

Russell Tidaback (You): 2/6 10:36 AM

we have a service contract with... [image]

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/6 10:36 AM

yes there is ive check it we are getting 480 in...

ATMO - Maintenance Group | You, Don, Joe, +3

JS: John Spears 2/6 10:35 AM

Ok: Is there a separate breaker for the three phase? Thanks.

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/6 10:33 AM

ok the fault its throwing it insignificant power to three phase but everything is checking out either via volt meter and not overloads are tripped so its a waiting game but he told me on the phone if its a software issue he would have to come down to resolve the issue...

ATMO - Maintenance Group | You, Don, Joe, +3

JS: John Spears 2/6 10:30 AM

Ok: Sometimes JD is a little slow. Maybe Josh will call back.. He's been here before.

ATMO - Maintenance Group | You, Don, Joe, +3

GW: Gage Wheeler 2/6 10:28 AM

so ive checked every fuse and every relay inside that control pannel on the quincy i called jd dickinson air compressor service he saying it might be a software issue he supposed to be calling me back but that was 30 min ago...

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**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/5 9:09 PM  
I agree i know its out of Sequence for them to do so but i think it will help us out in the long run...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**JS** John Spears 2/5 9:07 PM  
I want to make sure the flour elevator is running first thing. Before anything else is done. We'll get the burner fired up. While it is warming We'll get the packer area cleaned up. We'll be sure to get the fourth floor auger door closed up. Robert Baumann...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/4 1:32 PM  
We are done with the crane crew they are packing up now...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/4 12:16 PM  
[Selected photo] Its stuff like this im talking about the tried welding the key into the key lucky for me whoever did it couldnt weld so it broke but i had to grind all that weld off so i can move the spocket back because i straightend the flour evelivator...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/4 12:12 PM  
Lol, wouldn't doubt it. Be careful.

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/4 12:11 PM  
Also everything up here was worked on with the idea in mind to screw the next guy...

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**Russell Tidaback (You)** 2/4 12:04 PM  
No doubt. I appreciate it. 🙏 ..

---

**ATMO - Maintenance Group** | You, Don, Joe, +3

**GW** Gage Wheeler 2/4 12:04 PM  
Im working as fast as i can...

---

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ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/4 11:58 AM

Okay just make sure we do all that first. At \$400 / hr, we need to get the crane out of there.

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/4 11:52 AM

We still have to have the crane to fly in the hood also fly me up in the man basket to put on the roof pannels..

ATMO - Maintenance Group | You, Don, Joe, 13



Russell Tidaback (You) 2/4 11:37 AM

Awesome! We shouldn't need the crane anymore? Get them boys outta there. They're expensive.

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/4 11:35 AM

[Selected photo] [Selected photo] Replacement barring bases are in..

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/3 2:42 PM

[Selected photo] Wish me luck lol..

ATMO - Maintenance Group | You, Don, Joe, 13



Gage Wheeler 2/3 9:42 AM

Ok sounds good...

ATMO - Maintenance Group | You, Don, Joe, 13



Jordan Tidaback 2/3 9:42 AM

Good morning Gage Wheeler, let's cancel the meeting this morning so you all can focus on the prep for the crane.

ATMO - Maintenance Group | You, Don, Joe, 13



John Spears 2/2 11:06 AM

Gage is finishing the packer conversion. I'm on the 4th floor prepping as much as I can for the crane tomorrow.



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ATMO Operations | You, Don, Gwen, 1-4

John Spears 4/13 2:19 PM  
Russell Tidaback John Spears Please confirm [image] We have a customer wanting two. Will do.

ATMO Operations | You, Don, Gwen, 1-4

Russell Tidaback (You) 4/13 2:16 PM  
John Spears Please confirm [image] We have a customer wanting two.

ATMO Operations | You, Don, Gwen, 1-4

Jordan Tidaback 4/13 12:22 PM  
Thank you!

ATMO Operations | You, Don, Gwen, 1-4

Robert Baumann 4/13 12:22 PM  
Jordan Tidaback So, SO-325 is staged and ready to go? (200 bags OGR and 200 bags OGC?) It's an export order so want to make sure we're ready before notifying the customer Wrapped and ready...

ATMO Operations | You, Don, Gwen, 1-4

Jordan Tidaback 4/13 12:21 PM  
So, SO-325 is staged and ready to go? (200 bags OGR and 200 bags OGC?) It's an export order so want to make sure we're ready before notifying the customer...

ATMO Operations | You, Don, Gwen, 1-4

Russell Tidaback (You) 4/13 12:19 PM  
John Spears From what I saw archived in the Cilas reports we did not sample for specific orders. I've been doing that lately because of the size of the order and the number of days it takes to complete it. Cilas reports should be run each day, not necessary per order. Reason being is if a machine part breaks down and...

ATMO Operations | You, Don, Gwen, 1-4

Jordan Tidaback 4/13 12:17 PM  
So, SO-325 is staged and ready to go? (200 bags OGR and 200 bags OGC?) It's an export order so want to make sure we're ready before notifying the customer...

ATMO Operations | You, Don, Gwen, 1-4

Jordan Tidaback 4/13 12:17 PM  
We just need them for the grade ran each day, not the order.



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**ATMO - Operations** | You, Dory, Gwen, 14

Russell Tidaback (You) 4/11 1:45 PM  
oh... scanning... just remembered...

**ATMO - Operations** | You, Dory, Gwen, 14

JS John Spears 4/11 1:45 PM  
Got it. Thanks. The State papers for Ronnel are printed two sided.

**ATMO - Operations** | You, Dory, Gwen, 14

Russell Tidaback (You) 4/11 1:44 PM  
I dont remember the make & model or I would have googled it.

**ATMO - Operations** | You, Dory, Gwen, 14

Russell Tidaback (You) 4/11 1:44 PM  
yes. There is a user manual on the side of the printer or google the printer make model how to scan two sided.

**ATMO - Operations** | You, Dory, Gwen, 14

JS John Spears 4/11 1:42 PM  
Is there a way on the scanner/copier to scan two sided?

**ATMO - Operations** | You, Dory, Gwen, 14

JS John Spears 4/11 1:41 PM  
Jordan Tidaback We do... I was there when it was delivered last month. There are 100 of them, so I know we haven't sent 100 international retail bags out. I wrote on the box that the were for 1lb international retail bags. Please check again. Check all around the office as maybe they were moved? We found them. Just as...

**ATMO - Operations** | You, Dory, Gwen, 14

Jordan Tidaback 4/11 1:17 PM  
We do... I was there when it was delivered last month. There are 100 of them, so I know we haven't sent 100 international retail bags out. I wrote on the box that the were for 1lb international retail bags. Please check again. Check all around the office as maybe they were moved?

**ATMO - Operations** | You, Dory, Gwen, 14

AS Alex Snodgrass 4/11 1:11 PM  
John and i looked. We dont have any...

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**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/11 1:05 PM

In the front office area. Likely in a cardboard box. Either in the cabinet or under the desk area in front of the window.

**ATMO - Operations** | You, Don, Gwen, i 4

Alex Snodgrass 4/11 1:02 PM

Jordan Tidaback do you know where the white bubble poly mailers are located?

**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/11 12:44 PM

Mohsin-and-Brothers-Label (1).pdfSO-543 Mohsin and Brothers Packing List.pdf



Mohsin-and-Brothers-...



SO-543 Mohsin and B...

**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/11 12:23 PM

Alex Snodgrass - please see if we have a 1lb bag of Once Ground Rose already made. If not, can you please prepare one?

**ATMO - Operations** | You, Don, Gwen, i 4

Robert Baumann 4/11 11:26 AM

[Captured photo] Julie Ann Cureg...

**ATMO - Operations** | You, Don, Gwen, i 4

Jordan Tidaback 4/10 12:21 PM

Hi Alex- just don't want this to be forgotten about. When you have time today, could you please scan the packing lists into their folder for these below? Keep the hard copy as we'll send that with the shipment, but Julie will use the digital copy to email with the other documents. SO-339 JacksonLea OH SO-326 Shanghai...

**ATMO - Operations** | You, Don, Gwen, i 4

Russell Tidaback (You) 4/10 10:40 AM

Julie Ann Cureg SO-597 has been added to the Production Schedule, please prepare the shipping documents.

**ATMO - Operations** | You, Don, Gwen, i 4

Russell Tidaback (You) 4/10 7:33 AM

Julie Ann Cureg SO-596 has been added to the Production Schedule, please prepare the shipping documents. Alex Snodgrass this is coming from the on-hand inventory.

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---

**ATMO - Operations** | You, Don, Given, 14

Russell Tidaback (You) 4/5 2:21 PM  
Julie Ann Cureg SO-595 has been added to the Production Schedule, please prepare the shipping documents. Alex Snodgrass this is coming from the on-hand inventory.

---

**ATMO - Operations** | You, Don, Given, 14

JS John Spears 4/6 6:01 PM  
Jordan Tidaback I know everyone is trying their best, but we've really got to finish SO-323 tomorrow. We've been working on it for 4 days as of tomorrow. The goal each day is 40K lbs, which is what the calendar is set at. Please place urgency on getting this done. We're working on getting that palletizer motor r... We...

---

**ATMO - Operations** | You, Don, Given, 14

Jordan Tidaback 4/6 5:47 PM  
I know everyone is trying their best, but we've really got to finish SO-323 tomorrow. We've been working on it for 4 days as of tomorrow. The goal each day is 40K lbs, which is what the calendar is set at. Please place urgency on getting this done. We're working on getting that palletizer motor replaced hopefully next...

---

**ATMO - Operations** | You, Don, Given, 14

Russell Tidaback (You) 4/6 4:14 PM  
Good segway in this... Who ever is printing these labels... lets print what we need and not be wasteful with them. If the order calls for 200, only print 200. If we find we need 1 or 2 more while wrapping, then lets print 1 or 2 more as needed. Last time I was in the control room, around the palletizer and even in the...

---

**ATMO - Operations** | You, Don, Given, 14

JS John Spears 4/6 4:08 PM  
Russell Tidaback Monday delivery via Amazon Dam it!

---

**ATMO - Operations** | You, Don, Given, 14

Russell Tidaback (You) 4/6 4:07 PM  
Monday delivery via Amazon...

---

**ATMO - Operations** | You, Don, Given, 14

AS Alex Snodgrass 4/6 4:04 PM  
We have not...

---

**ATMO - Operations** | You, Don, Given, 14

RB Robert Baumann 4/6 4:03 PM  
Thank you Alex Snodgrass did we get label paper yet...





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 **ATMO - Operations** | You, Don, Gwen, 14


 Russell Tidaback (You) 4/6 3:30 PM  
Corrected.


 **ATMO - Operations** | You, Don, Gwen, 14


 Russell Tidaback (You) 4/6 3:28 PM  
just a sec...

 **ATMO - Operations** | You, Don, Gwen, 14


 Robert Baumann 4/6 3:13 PM  
[Captured photo] No 100 pound option...


 **ATMO - Operations** | You, Don, Gwen, 14


 Jordan Tidaback 4/6 1:52 PM  
Just as you were before; each part you complete...

 **ATMO - Operations** | You, Don, Gwen, 14


 Robert Baumann 4/6 1:44 PM  
Russell Tidaback: Robert Baumann Spreadsheet corrected So do I put completed for each part or wait til the whole SO number is completely done...


 **ATMO - Operations** | You, Don, Gwen, 14

 Russell Tidaback (You) 4/6 12:32 PM  
Robert Baumann Spreadsheet corrected...

 **ATMO - Operations** | You, Don, Gwen, 14

 Robert Baumann 4/6 12:30 PM  
The A part is working on B so do I input no until both parts are done or each one...

 **ATMO - Operations** | You, Don, Gwen, 14

 John Spears 4/6 12:30 PM  
Working on it now.

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ATMO - Operations | You, Don, Gwen, 14

Jordan Tidaback 4/6 12:28 PM  
We haven't finished SO-323, right? The 800 bags?

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 4/6 12:27 PM  
I'll fix it.

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 4/6 12:27 PM  
[Media]

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 4/6 12:27 PM  
[Media]

ATMO - Operations | You, Don, Gwen, 14

Jordan Tidaback 4/5 4:45 PM  
oh ok gotcha. Thank you for confirming.

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 4/5 4:45 PM  
We weighed the double stacks...

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 4/5 4:44 PM  
Jordan Tidaback 10 pallets each? These were 5-highs, no? Double stacked to fit in containers...

ATMO - Operations | You, Don, Gwen, 14

Jordan Tidaback 4/5 4:43 PM  
10 pallets each? These were 5-highs, no?



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**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 4/5 4:39 PM  
Thankyou Robert Baumann...

---

**ATMO - Operations** | You, Don, Gwen, 14

**RB** Robert Baumann 4/5 4:39 PM  
[Captured photo] SO-316 a- b-c-d-e grouped weighed ready finally Julie Ann Cureg...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/5 11:12 AM  
Also, for a couple of these next orders that are to be shipped out, they require original documents. Please scan a copy of the signed BOL to the folder, but hang on to the original as it and the rest of the shipping docs will have to be mailed. I'm pretty sure the originals are needed for SO-323 and SO-316. Julie will...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/5 10:53 AM  
Hi Alex - last time I was in the office, I looked in the binders next to the green cutting board and found that these were already made. For the BOL and packing lists already made, could you scan them in the folders so Julie doesn't have to remake them and has a digital copy to send once order is finished? [3/8 2:49 PM...

---

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 4/4 6:01 PM  
Fantastic! I feel much better about getting product ready for shipment.

---

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/4 5:58 PM  
Yes, sir. We will be putting an order in tomorrow or Thursday, as we get the current invoice paid.

---

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 4/4 5:57 PM  
We'll need HT Lrg pallets.

---

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/4 5:55 PM  
Ok thank you, John. I assumed we did, but didn't see it reflected yet in the Daily Production Report. The customer is super eager to get the order and have been following up nearly everyday to see if we were still on target to produce it.

---

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ATMO - Operations | You, Don, Gwen, i4

John Spears 4/4 5:53 PM  
Yes. We finished SO-316 and moved on to SO-323.

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 5:52 PM  
Were we able to start on SO-323 today?

ATMO - Operations | You, Don, Gwen, i4

John Spears 4/4 5:02 PM  
I'll pass that along to Rob.

ATMO - Operations | You, Don, Gwen, i4

John Spears 4/4 5:01 PM  
Good plan.

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 5:00 PM  
No, to keep from having that void, let's do 2, 2, and then 14 stacked double high. That way if they tip over, they'd be tipping onto another pallet rather than onto the floor of the container.

ATMO - Operations | You, Don, Gwen, i4

John Spears 4/4 4:58 PM  
Jordan Tidaback Yes, that's fine. It should be 18 pallets each on 4 containers and 20 pallets on the 5th container. Very good. Will we need to put the big blow up pillows in the void space so that the top pallets of row 4 do not tip over?

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 4:54 PM  
Yes, that's fine. It should be 18 pallets each on 4 containers and 20 pallets on the 5th container.

ATMO - Operations | You, Don, Gwen, i4

John Spears 4/4 4:52 PM  
Will it be OK for the containers being used for SO-316 to be life on one end? We're going to be putting 360 bags each on four separate containers and 400 bags on the fifth.

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**ATMO - Operations** | You, Don, Gwen, 14

John Spears 4/4 4:46 PM  
Russell Tidaback We never want to send a customer wrong labelled bags. A lot of customers complained about the paint stenciled bags done up til early 2022. So we went to the white labels. Then the customers complain... That's good. We'll keep it simple.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 4:31 PM  
Julie Ann Cureg SO-594 has been added to the Production Schedule, please prepare the shipping documents. John Spears / Alex Snodgrass These need to come from the OGR bulk bags labeled already as SO-377-A. Remove the SO-377-A slips from the 15 bags and place in inventory. Dont forget to update the inventory tab...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 4:25 PM  
We never want to send a customer wrong labelled bags. A lot of customers complained about the paint stenciled bags done up til early 2022. So we went to the white labels. Then the customers complain about the labels falling off and not knowing what is in the bag. So the new batch of bags, when produced, and we start...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 4/4 3:21 PM  
Jordan Tidaback Yes, thank you, John. Sorry for the hassle. None at all.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 4/4 3:20 PM  
Yes, thank you, John. Sorry for the hassle.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 3:20 PM  
Thank you.

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 4/4 3:19 PM  
Yes sir. Will do.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 4/4 3:19 PM  
yes, waste of labels, wrap and time but it needs to be done right.



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	ATMO - Operations   You, Don, Gwen, 14
	Russell Tidaback (You) 4/4 3:18 PM John Spears I can put a sheet on the outside saying these came from a cancelation order. No. Relabel them.
	ATMO - Operations   You, Don, Gwen, 14
	Russell Tidaback (You) 4/4 3:18 PM John Spears The bags have the old Toa Kasei stickers on them and are now slip sheeted and wrapped on one pallet. Was gonna sticker the outside. They all do say DGC. John Spears You are removing the old labels and replacing with the correct labels, yes?
	ATMO - Operations   You, Don, Gwen, 14
	John Spears 4/4 3:17 PM Jordan Tidaback Russell Tidaback won't it confuse the customer to have another customer's name and PO# on it? I can put a sheet on the outside saying these came from a cancelation order.
	ATMO - Operations   You, Don, Gwen, 14
	John Spears 4/4 3:16 PM Woo Hool I'm working on S93 for Miss Julie because she said these pallets need weighed as well.
	ATMO - Operations   You, Don, Gwen, 14
	Jordan Tidaback 4/4 3:16 PM Russell Tidaback won't it confuse the customer to have another customer's name and PO# on it?
	ATMO - Operations   You, Don, Gwen, 14
	Russell Tidaback (You) 4/4 3:15 PM John Spears The DGC 60 bags are from the Toa Kasei order from last fall that we got mixed up on and ran a double order. I'm using these to fill SO-593. Yes, SO-593 should be from on-hand inventory.
	ATMO - Operations   You, Don, Gwen, 14
	Russell Tidaback (You) 4/4 3:14 PM John Spears We're talking about two different orders ain't we? Yes... its all good now.
	ATMO - Operations   You, Don, Gwen, 14
	Jordan Tidaback 4/4 3:14 PM me too!

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Office (239) 829-5457

**ATMO - Operations** | You, Don, Gwen, 14



Russell Tidaback (You) 4/4 3:14 PM

John Spears The DGC 60 bags are from the Toa Kasei order from last fall that we got mixed up on and ran a double order. I'm using these to fill SQ-593. oh, you scared me... I thought you were mentioning SQ-316 was mislabeled...

**ATMO - Operations** | You, Don, Gwen, 14



John Spears 4/4 3:14 PM

We're talking about two different orders ain't we?

**ATMO - Operations** | You, Don, Gwen, 14



John Spears 4/4 3:13 PM

The DGC 60 bags are from the Toa Kasei order from last fall that we got mixed up on and ran a double order. I'm using these to fill SQ-593.

**ATMO - Operations** | You, Don, Gwen, 14



Russell Tidaback (You) 4/4 3:09 PM

John Spears The bags have the old Toa Kasei stickers on them and are now slip sheeted and wrapped on one pallet. Was gonna sticker the outside. They all do say DGC. I dont understand. [image] [image]

**ATMO - Operations** | You, Don, Gwen, 14



Jordan Tidaback 4/4 3:09 PM

Why do they have another customer's labels on it?

**ATMO - Operations** | You, Don, Gwen, 14



John Spears 4/4 3:07 PM

Russell Tidaback This is an international order, we need to make sure to verify the labels are correct, the bags are labelled correct, the pallets are marked correct, and what is loaded per container is correct. Its estimated... The bags have the old Toa Kasei stickers on them and are now slip sheeted and wrapped on one...

**ATMO - Operations** | You, Don, Gwen, 14



Russell Tidaback (You) 4/4 3:02 PM

This is an international order, we need to make sure to verify the labels are correct, the bags are labelled correct, the pallets are marked correct, and what is loaded per container is correct. Its estimated the shipping cost alone is \$10K-\$15k per container. Plus they have been waiting for this shipment for 13 months...

**ATMO - Operations** | You, Don, Gwen, 14



Russell Tidaback (You) 4/4 2:54 PM

I guess I dont understand the question. 1272 OGR TOTAL BAGS: 1260 OGR on 63 "5-highs" pallets 12 remaining bags get stacked with the "8 remaining bags of DGR (12 bags OGR + 8 bags DGR = 20 bags = "5-high") 568 DGR TOTAL BAGS: 560 DGR on 28 "5-highs" pallets 8 remaining bags\* 63 + 28 + 1 = 92 pallets total. Place in...

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ATMO - Operations | You, Don, Gwen, i4

Robert Baumann 4/4 2:40 PM

Can we arrange to ship this 316 the same way and I can get you corrected weights for 400 each load or do we need to restack some and re weigh...

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:39 PM

correct...

ATMO - Operations | You, Don, Gwen, i4

Julie Ann Cureg 4/4 2:39 PM

Jordan Tidaback Oh because they're 100lb bags. Ok so it'll be 400 bags go on 20 large HT pallets for part A. 400 bags go on 20 large HT pallets for part B. Julie Ann Cureg, can you please update the packing lists for SQ-323 A and B? So this will be a total of 40 pallets?

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:34 PM

Oh because they're 100lb bags. Ok so it'll be 400 bags go on 20 large HT pallets for part A. 400 bags go on 20 large HT pallets for part B. Julie Ann Cureg, can you please update the packing lists for SQ-323 A and B?

ATMO - Operations | You, Don, Gwen, i4

RB Robert Baumann 4/4 2:31 PM

Ok thanks that's way more easy to accomplish but it will be 20 pallets double stacked for the 400.

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:30 PM

We have SQ-328 CDEFG coming up next week. We'll get it updated so we can make it more clear what goes to which container.

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:27 PM

For SQ-323, the order is for 800 bags of OGR. 400 bags go on 10 large HT pallets for part A. Please mark these pallets as A and send the weights to Julie. 400 bags go on 10 L HT pallets for part B. Please mark these pallets as B and send the weights to Julie. I updated the production calendar notes section with this...

ATMO - Operations | You, Don, Gwen, i4

Jordan Tidaback 4/4 2:23 PM

Yes, we can split up a little better going forward. This one was a last minute change as we moved from 50 pallets to 92; moving from 10 to 5 highs. Alex has access to the packing lists, so you can see what goes to which container (A, B, C, etc)

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**ATMO - Operations** | You, Don, Gwen, 14

**Robert Baumann** 4/4 2:17 PM

Can we get orders like this split up a lil better part a was over 368 and c and d were vague I have them in groups of 360 bags as per what it stated but A was 568 idk maybe I just am not getting the split parts...

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/4 2:10 PM

SO-316: Each Container = 368 bags on 10 pallets. Labels need to state: Prior #2022GT-TRIPOLI01 / #14416 / Guangzhou.

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/4 2:10 PM

We'll also need each marked with A, B, C, D, E somewhere on the stretchwrap, so our weights on the paperwork match what is getting loaded into each truck.

**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 4/4 2:09 PM

Hey, John Spears Alex Snodgrass could you please give me the rest of the weight for SO-316 (if it's completed already)? You only gave me the B part so I need the A, C, D, & E. Refer to the Packing List in its SO folder. Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

**Jordan Tidaback** 4/4 1:07 PM

Hi Alex - could you please put these in the folder? It's in the customers, distributors, sales channel > Files > paperwork for upcoming orders > SO-580? Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

**Alex Snodgrass** 4/4 1:05 PM

SO-580 shipment paperwork.zip SO-580 BOL Signed.pdf

 SO-580 shipment pa...  SO-580 BOL Signed.pdf

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/4 7:29 AM

Julie Ann Cureg SO-593 has been added to the Production Schedule, please prepare the shipping documents. THIS IS A PREPAY, CONFIRM PAYMENT W/ Kyle before shipping. Alex Snodgrass - Pull this 60 - 100# bags of DGC from the on-hand inventory and update tab once shipped. This will be shipped by air so each pallet will...

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/3 2:30 PM

Julie Ann Cureg SO-327591 (SO-591 in BC, see production schedule note) has been added to the Production Schedule, please prepare the shipping documents. Alex Snodgrass...



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**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/3 10:03 AM  
Julie Ann Cureg SO-327590 (SO-590 in BC, see production schedule note) has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 7:33 PM  
Julie Ann Cureg SO-589 has been added to the Production Schedule, please prepare the shipping documents. THIS IS A PREPAY, CONFIRM PAYMENT W/ Kyle before shipping. Alex Snodgrass + Pull this from the on-hand inventory and update tab once shipped.

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 7:09 PM  
Julie Ann Cureg SO-588 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 6:59 PM  
Julie Ann Cureg SO-587 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 6:49 PM  
Julie Ann Cureg SO-586 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 6:48 PM  
Julie Ann Cureg SO-585 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 6:27 PM  
Julie Ann Cureg SO-584 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

---

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 4/2 6:14 PM  
Julie Ann Cureg SO-583 has been added to the Production Schedule, please prepare the shipping documents. Certificate of analysis required to be on the truck for all shipments. Email CofA to QAHamiltonlab@osborn.com Alex Snodgrass...

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 488

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**ATMO - Operations** | You, Don, Gwen, i-4

Russell Tidaback (You) 3/30 12:30 PM

Alex Snodgrass As you become more and more familiar with the on-hand inventory, you will notice we have bags that are different than the standard blue label bags, for example, the 100# AFR Black label bags. We need to get these OLD bags sent out. So for example, these 100# AFR bags, please look on the production...

**ATMO - Operations** | You, Don, Gwen, i-4

Russell Tidaback (You) 3/30 12:34 PM

Jordan Tidaback Looking at those #s and looking at the Production Calendar, we'll need to order more Large HT Correct, we should strive to keep a minimum expendables of 30 days ahead of production schedule for pallets, 120 days ahead of production schedule of slips sheets, 180 days ahead of production schedule of bags...

**ATMO - Operations** | You, Don, Gwen, i-4

Jordan Tidaback 3/30 12:19 PM

We'll need the monthly inventory done tomorrow or sometime next week that gets a count of all on that list. Let us know if you have any questions on it!

**ATMO - Operations** | You, Don, Gwen, i-4

Russell Tidaback (You) 3/30 12:18 PM

perfect, make sure this info is input into the Daily Production 2023 spreadsheet... (image)

**ATMO - Operations** | You, Don, Gwen, i-4

Jordan Tidaback 3/30 12:17 PM

Looking at those #s and looking at the Production Calendar, we'll need to order more Large HT...

**ATMO - Operations** | You, Don, Gwen, i-4

Alex Snodgrass 3/30 12:12 PM

Pallets: Heat treated Lg, 111. Heat treated Sm, 233. Reg, 206...

**ATMO - Mill Mgmt** | You, Don, John, i-2

Russell Tidaback (You) 3/30 10:21 AM **IMPORTANT**

"guys we are charging the tube Mill and sealing up the elevator first thing in the morning"... okay, this is probably a good segway to bring us back together and iterate the importance of production urgency. The daily production goal is 50k lbs produced. Produced meaning to the final step of being stretch wrapped. The...

**ATMO - Operations** | You, Don, Gwen, i-4

Russell Tidaback (You) 3/30 6:31 AM

Alex Snodgrass Jessie Moleski You have a license for Adobe Acrobat PRO and access to the Adobe Cloud for editing/signing PDFs, etc. <https://documentcloud.adobe.com/link/home/> Username is your Company email address.

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**ATMO - Operations** | You, Don, Gwón, +4



Russell Tidaback (You) 3/29 12:16 PM

Julie Ann Cureg Alex Snodgrass SO-580 has been added to the Production Schedule, please prepare the shipping documents. The customer, Alice w/ Maverick, is already working on coordinating the shipment. Please contact her for details. I'd expect this to ship out tomorrow. Alex Snodgrass This is the DGR bulk bag inquired...



**ATMO - Operations** | You, Don, Gwón, +4



Russell Tidaback (You) 3/29 10:31 AM

Jessie Molesi this might be a better post for the "Mill Group Chat". Not everyone is in this group. 🙄



**ATMO - Operations** | You, Don, Gwón, +4



Jessie Molesi 3/29 10:21 AM

[https://us-api.asm.skype.com/v1/objects/0-cus-d17-f5cc2b1bc7ed8357716f33e9c4768b76/views/imgo]



**ATMO - Operations** | You, Don, Gwón, +4



Julie Ann Cureg 3/28 2:17 PM

Which SO#?



**ATMO - Operations** | You, Don, Gwón, +4



Russell Tidaback (You) 3/28 2:10 PM

Julie Ann Cureg please make sure a CILAS report is done for each order. We received a customer complaint that they didn't get one with their order.



**ATMO - Operations** | You, Don, Gwón, +4



Russell Tidaback (You) 3/28 12:27 PM

Make sure we get a copy of the signed Bill of Lading (BOL), taking a picture of it at the time the truck is there has saved us a couple of times of getting lost in transit back to the admin bldg. Alex Snodgrass...



**ATMO - Operations** | You, Don, Gwón, +4



Alex Snodgrass 3/28 12:06 PM

SO-304...



**ATMO - Operations** | You, Don, Gwón, +4



Julie Ann Cureg 3/28 12:05 PM

Thank you Alex Snodgrass. What SO# is this?

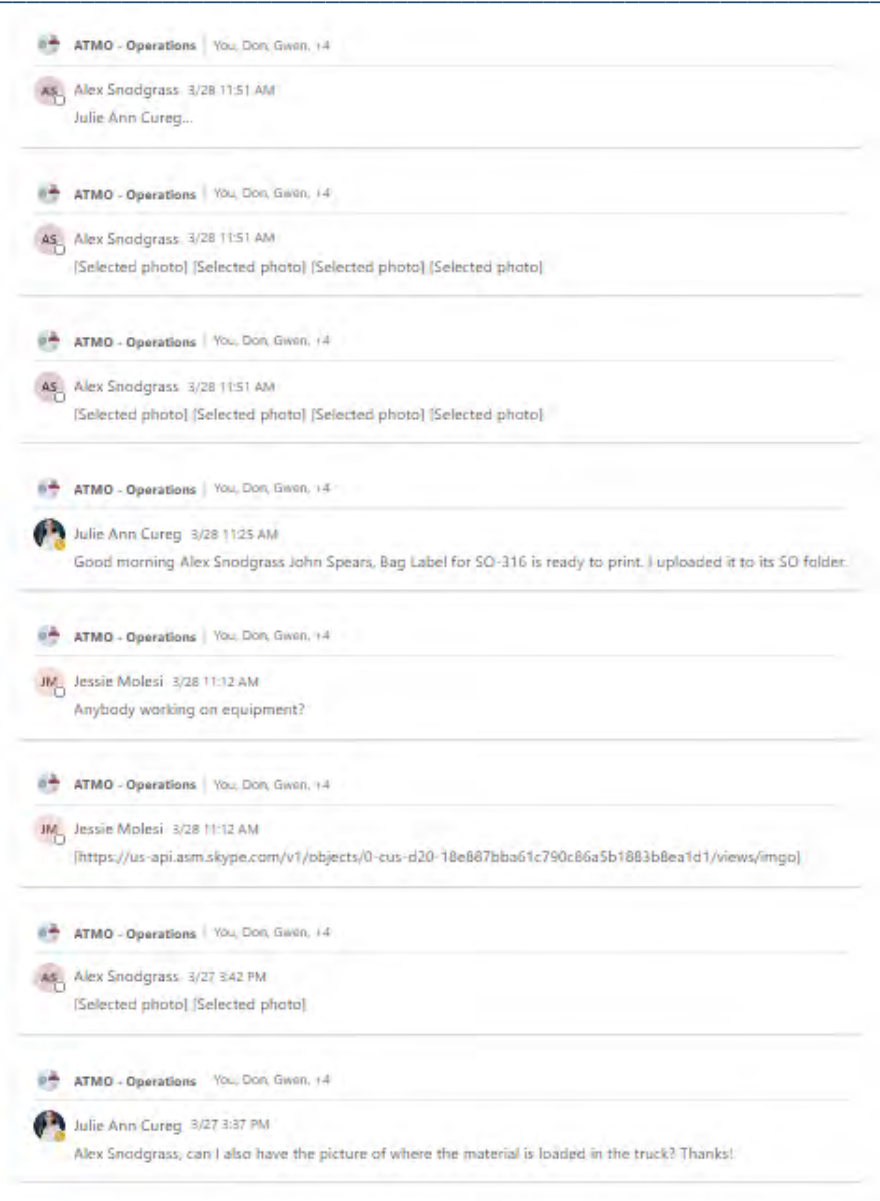


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ATMO - Operations | You, Don, Gwen, 14

Julie Ann Cureg 3/27 3:31 PM  
Thanks!

ATMO - Operations | You, Don, Gwen, 14

Alex Snodgrass 3/27 3:28 PM  
Julie Ann Cureg...

ATMO - Operations | You, Don, Gwen, 14

Alex Snodgrass 3/27 3:28 PM  
298-bol.eml4169 001.pdf SO-298...

298-bol.eml

...

4169 001.pdf

...

ATMO - Operations | You, Don, Gwen, 14

Alex Snodgrass 3/27 12:37 PM  
4160 001.pdf Gwen Magayanes Jalosjos...

4160 001.pdf

...

ATMO - Operations | You, Don, Gwen, 14

Julie Ann Cureg 3/26 3:35 PM  
Hi Alex Snodgrass just a heads up, please print the paperwork for SO-298 and SO-304 on Monday as they may pick up those orders. The customer said that we will be using our BOL. Let me know if you have any questions. Thank you!

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 3/26 3:13 PM  
Julie Ann Cureg SO-304 has completed production. Please contact the Customer for shipper POC, Alex Snodgrass...

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 3/26 3:12 PM  
Julie Ann Cureg SO-578 has been added to the Production Schedule, please prepare the shipping documents. Thanks, Alex Snodgrass...

ATMO - Operations | You, Don, Gwen, 14

Jordan Tidaback 3/24 5:33 PM  
Ok great! Thank you! You can send the receipts in the chat group where she sends the packing slip. Have a good weekend 🙌

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---

**ATMO - Operations** | You, Don, Gwen, 14

Alex Snodgrass: 3/24 5:31 PM  
Yes we did. I scanned & forwarded the mailing receipt to Gwen...

---

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback: 3/24 5:29 PM  
Did we get this mailed out?

---

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback: 3/24 1:35 PM  
Only if we don't have a 1oz AFR (Air Float Rose) bag already made on the shelf.

---

**ATMO - Operations** | You, Don, Gwen, 14

Alex Snodgrass: 3/24 1:35 PM  
Jordan Tidaback in retail product labels, am i looking for the 1 oz AFR?

---

**ATMO - Operations** | You, Don, Gwen, 14

John Spears: 3/23 12:05 PM  
Julie Ann Cureg Good morning John Spears I've added a New BOL for SO-576. Today is their scheduled pick-up. I'll get it ready. Thanks.

---

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg: 3/23 11:47 AM  
Good morning John Spears I've added a New BOL for SO-576. Today is their scheduled pick-up.

---

**ATMO - Operations** | You, Don, Gwen, 14

John Spears: 3/22 9:34 AM  
Robert Baumann John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please Will do.

---

**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann: 3/22 9:33 AM  
John Spears can you get the paperwork ready for SO-298 and SO-576 prepared please...

---

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**ATMO - Operations** | You, Don, Gwen, 1-4

**John Spears** 3/21 6:41 PM  
Got it. Will do.

**ATMO - Operations** | You, Don, Gwen, 1-4

**Russell Tidaback (You)** 3/21 6:39 PM  
SO-576 has been added to the Production Schedule. Please process for shipment and pull the CILAS report from 20MAR2023. This order will most likely ship tomorrow (Wednesday 22MAR2023). Robert Baumann I modified the Daily Production and removed 2 from SO-377A. Please relabel two of the bulk bags to SO-576...

**ATMO - Operations** | You, Don, Gwen, 1-4

**Julie Ann Cureg** 3/14 3:10 PM  
John Spears, Paperwork for SO-572 has been updated. You can now print those. Thanks!

**ATMO - Operations** | You, Don, Gwen, 1-4

**Julie Ann Cureg** 3/14 3:02 PM  
Yes, Sorry I just checked now. Thanks!

**ATMO - Operations** | You, Don, Gwen, 1-4

**Russell Tidaback (You)** 3/14 3:01 PM  
The shipper information is posted in the Shipper section of the details is the reason I ask.

**ATMO - Operations** | You, Don, Gwen, 1-4

**Russell Tidaback (You)** 3/14 3:01 PM  
you do have access to view the Production Schedule details, correct? Julie Ann Cureg...

**ATMO - Operations** | You, Don, Gwen, 1-4

**Julie Ann Cureg** 3/14 2:57 PM  
Thanks!

**ATMO - Operations** | You, Don, Gwen, 1-4

**Russell Tidaback (You)** 3/14 2:56 PM  
Shipper Name: Estes / Primo Logistics :: Veronica Posada Shipper Phone #: 833-744-7537 x1099 Ref#: (if available) 108682048...

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**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/14 2:27 PM

Russell Tidaback Julie Ann Cureg Please put shipper Ref # on BOL and all paperwork, per the customer. Hi Russell Tidaback what should our reference# look like? Usually, I just tell customers that they will use the SO# as a reference number when picking up the orders. So Idk what is the other reference# to be included...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/14 2:20 PM

Julie Ann Cureg John Spears Sorry, I just added the shipping label and a new BOL from the carrier then deleted ours. Please double-check. Thanks! Will do. Thank you.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/14 2:20 PM

John Spears Sorry, I just added the shipping label and a new BOL from the carrier then deleted ours. Please double-check. Don't print yet. I'll just add the ref number. I'll let you know later...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/14 2:17 PM

Julie Ann Cureg Hi, Robert Baumann John Spears paperwork for SO-572 was uploaded to its folder. I'll get the paperwork printed.

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/14 2:14 PM

sorry, just received the request from the customer...

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/14 2:14 PM

Julie Ann Cureg Please put shipper Ref # on BOL and all paperwork, per the customer.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/14 2:13 PM

Russell Tidaback Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert Baumann) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send a truck for these most likely to be picked up tomorrow (Wednesday). Please let Rob and John Spe... Hi,

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/14 2:10 PM

Its being shipped to Michigan - regular unleaded 🚚



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**ATMO - Operations** | You, Don, Gwen, 14

Robert Baumann 3/14 2:09 PM

Russell Tidaback Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert Baumann) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send... Regular or heat treated pallets ?

**ATMO - Operations** | You, Don, Gwen, 14

Russell Tidaback (You) 3/14 1:56 PM

Julie Ann Cureg URGENT - SO-572 ( 4 Bulk bags of DGR Robert Baumann) have been added to the production schedule. These are already produced and will be pulled from the inventory. The customer will send a truck for these most likely to be picked up tomorrow (Wednesday). Please let Rob and John Spears know when the....

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/14 11:37 AM

I've received the 2 BOLS from email...

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/14 11:31 AM

Julie Ann Cureg Hi John Spears can I have the Cilas Report for SO-449? scanned signed BOL also for both SO-488 and SO-449. Thank you! Will do.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/14 10:51 AM

Hi John Spears can I have the Cilas Report for SO-449? scanned signed BOL also for both SO-488 and SO-449. Thank you!

**ATMO - Operations** | You, Don, Gwen, 14

John Spears 3/13 1:13 PM

Sure thing.

**ATMO - Operations** | You, Don, Gwen, 14

Jordan Tidaback 3/13 1:13 PM

Yeah JacksonLee requests a hard copy to go in with their packing list, as well as an emailed copy. We need digital files for every cilas report, though.

**ATMO - Operations** | You, Don, Gwen, 14

Julie Ann Cureg 3/13 1:10 PM

John Spears sorry my bad. You should give it by hard copy and scan also for our soft copy...

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ATMO - Operations | You, Don, Gwen, 14

John Spears 3/13 1:04 PM  
Good deal. I'll get one ready.

ATMO - Operations | You, Don, Gwen, 14

Julie Ann Cureg 3/13 1:04 PM  
by email...

ATMO - Operations | You, Don, Gwen, 14

John Spears 3/13 1:03 PM  
Julie Ann Cureg Hi John Spears Robert Baumann please run Cilas Report for SO-449 also. Thanks! Will do. Thank you. Will we hard copy the Cilas report for SO-449 or by email?

ATMO - Operations | You, Don, Gwen, 14

Julie Ann Cureg 3/13 12:48 PM  
Noted! Will email the customer. Thanks!

ATMO - Operations | You, Don, Gwen, 14

Robert Baumann 3/13 12:48 PM  
Julie Ann Cureg SQ-290-B is complete now also...

ATMO - Operations | You, Don, Gwen, 14

Julie Ann Cureg 3/13 12:47 PM  
Hi John Spears Robert Baumann please run Cilas Report for SO-449 also. Thanks!

ATMO - Operations | You, Don, Gwen, 14

John Spears 3/13 12:37 PM  
Robert Baumann John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here Ok...

ATMO - Operations | You, Don, Gwen, 14

Robert Baumann 3/13 12:37 PM  
John Spears I need paperwork for SO-449 osburn 21 bags of dgr Julie Ann Cureg truck is here...

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ATMO - Operations | You, Don, Gwen, 14

JS John Spears 3/10 2:11 PM

Russell Tidaback: Is O'Jim working with PremierTech to get this resolved or ?? I dont know if he has PLC experience or the tools to adjust the PLC. John Spears: O'Jim has contacted a gentleman who has experience with a Stone Container bagger or one very similar. Old Jim is sending his friend and Mr. Ulmer scan pages of...

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 3/10 12:17 PM

Is O'Jim working with PremierTech to get this resolved or ?? I dont know if he has PLC experience or the tools to adjust the PLC. John Spears...

ATMO - Operations | You, Don, Gwen, 14

JS John Spears 3/10 12:15 PM

Russell Tidaback: Robert Baumann is the Bagger working to run the 100#s? Not yet. The sequence of operations through the PLC of just a solenoid is not firing the impeller.

ATMO - Operations | You, Don, Gwen, 14

Russell Tidaback (You) 3/10 12:15 PM

Robert Baumann is the Bagger working to run the 100#s?

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 3/10 12:12 PM

Yep just seen that thank you...

ATMO - Operations | You, Don, Gwen, 14

Jordan Tidaback 3/10 12:11 PM

Robert Baumann I think we still need to do SO-290-B (Bright Abrasives, 20 bulk bags, OGR). Then SO-377 A & B would be next for bulk bags.

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 3/10 12:03 PM

Russell Tidaback: I'm looking at the calendar next bulk bag order would be so-377 ????

ATMO - Operations | You, Don, Gwen, 14

RB Robert Baumann 3/10 12:02 PM

SO #449 is complete Julie Ann Cureg 21 bulk bags...

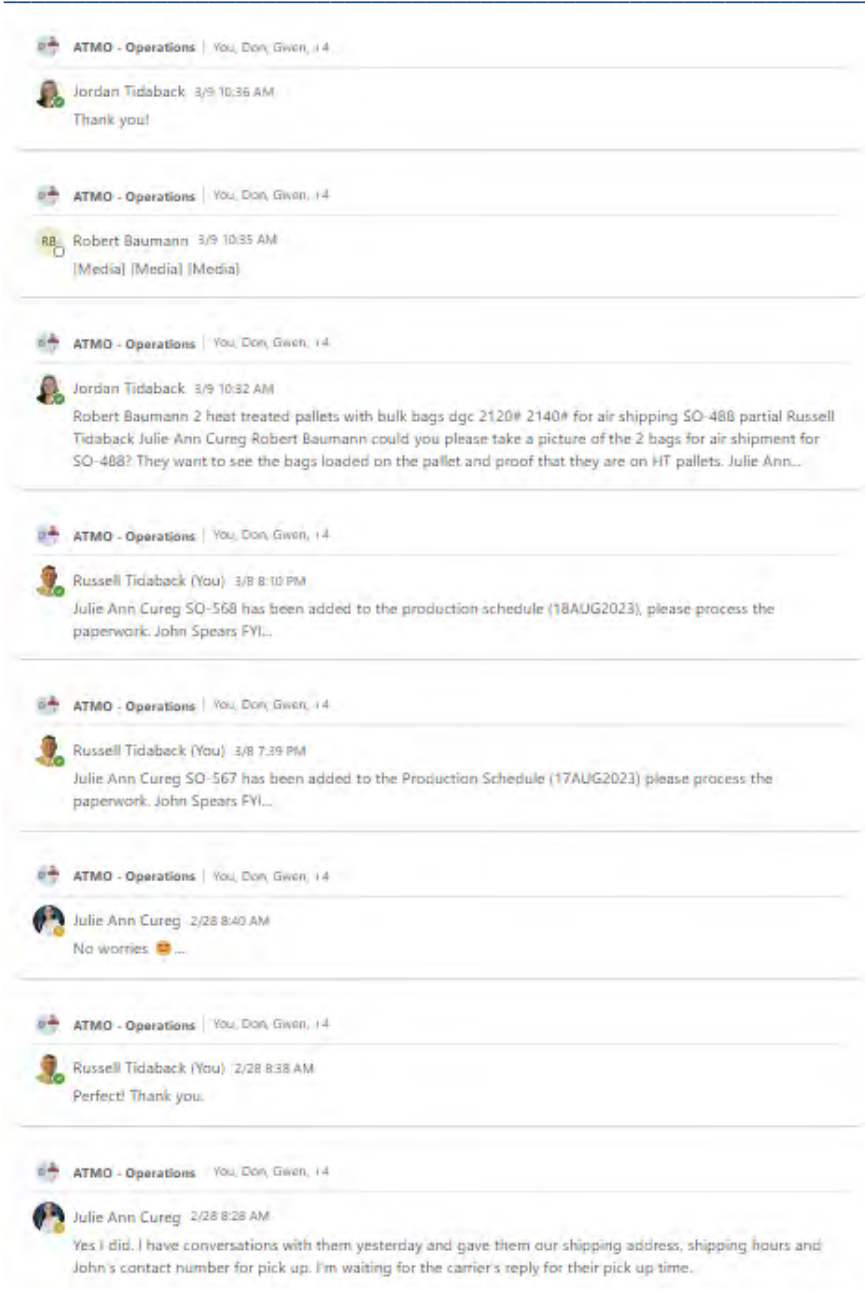


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**ATMO - Operations** | You, Dorly Green, 14

**Russell Tidaback (You)** 2/28 3:42 AM

Julie Ann Cureg Have you coordinated with the customer for the air freight? just wanting to know where we are on this.

**ATMO - Operations** | You, Dorly Green, 14

**JS** John Spears 2/24 3:22 PM

Will do.

**ATMO - Operations** | You, Dorly Green, 14

**Jordan Tidaback** 2/24 3:17 PM

Just a heads up, the cleaning crew will be at the admin office this evening. Please make sure the vacuum cleaner is available for them, all the cleaning supplies are still in the cabinet for them to use and things are put away so they can clean the office. Thank you 🙏 John Spears Andrew Wasson...

**ATMO - Operations** | You, Dorly Green, 14

**JS** John Spears 2/24 2:50 PM

Julie Ann Cureg Hi Robert Baumann please weigh the other 8 HT Pallet too as the customer needed them. Thank you. Will do. Thanks.

**ATMO - Operations** | You, Dorly Green, 14

**Julie Ann Cureg** 2/24 1:31 PM

Robert Baumann 2 heat treated pallets with bulk bags dgc 2120# 2140# for air shipping SO-488 partial Russell Tidaback Julie Ann Cureg Hi Robert Baumann please weigh the other 8 HT Pallet too as the customer needed them. Thank you.

**ATMO - Operations** | You, Dorly Green, 14

**Russell Tidaback (You)** 2/24 12:59 PM

Julie Ann Cureg Russell Tidaback do I have to make separately paperwork for 2 Bags and 8 bags? yes...

**ATMO - Operations** | You, Dorly Green, 14

**Robert Baumann** 2/24 12:59 PM

2 heat treated pallets with bulk bags dgc 2120# 2140# for air shipping SO-488 partial Russell Tidaback Julie Ann Cureg...

**ATMO - Operations** | You, Dorly Green, 14

**Julie Ann Cureg** 2/24 12:58 PM

Russell Tidaback John Spears SO-488, the customer wants to ship the 10 DGC bulk bags we have ready. We need this first thing this morning as they want to ship some of this by air. The pallets will need to be on HT large pallets, since this is an export customer. We will need the weight of each bag and pal... Russell...

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ATMO - Operations   You, Don, Gwen, 14	
JS	John Spears 2/24 7:42 AM Russell Tidaback good morning John Spears Good morning to you as well Sir.
ATMO - Operations   You, Don, Gwen, 14	
R	Russell Tidaback (You) 2/24 7:41 AM good morning John Spears...
ATMO - Operations   You, Don, Gwen, 14	
JS	John Spears 2/24 7:41 AM Got it.
ATMO - Operations   You, Don, Gwen, 14	
R	Russell Tidaback (You) 2/24 7:33 AM John Spears SO-488, the customer wants to ship the 10 DGC bulk bags we have ready. We need this first thing this morning as they want to ship some of this by air. The pallets will need to be on HT large pallets, since this is an export customer. We will need the weight of each bag and pallet as they are air shipping 2...
ATMO - Operations   You, Don, Gwen, 14	
KV	Kyle Varner 2/22 12:50 PM John Spears Not yet. I'll get it filled out today. Great! Thanks...
ATMO - Operations   You, Don, Gwen, 14	
JS	John Spears 2/22 12:27 PM Not yet. I'll get it filled out today.
ATMO - Operations   You, Don, Gwen, 14	
KV	Kyle Varner 2/22 12:27 PM John Spears do you have new hire paperwork on Ronnell?

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**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 2/21 3:33 PM  
I'm on it.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 2/21 3:32 PM  
Julie Ann Cureg SO-564 is small retail bags. Please process the paperwork. Already Paid via Paypal. So when you have the tracking # please email the customer the tracking number and the paid invoice receipt. [image] John Spears...

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 2/20 11:08 PM  
Julie Ann Cureg SO-562, SO-563, and SO-564 are added to the production schedule (14 & 17 JUL23). Please process the paperwork.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 2/14 12:26 PM  
Okay...

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 2/14 12:26 PM  
On my way back.

**ATMO - Operations** | You, Don, Gwen, 14

**Russell Tidaback (You)** 2/14 12:23 PM  
Robert Baumann can you print to the admin office printer off the computer in the mill?

**ATMO - Operations** | You, Don, Gwen, 14

**JS** John Spears 2/14 12:23 PM  
Robert Baumann We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags. Sure thing. I'll get it printed when I get back to the office.

**ATMO - Operations** | You, Don, Gwen, 14

**Julie Ann Cureg** 2/14 12:14 PM  
[https://deedyco.sharepoint.com/:f/r/sites/American\\_Tripoli\\_Seneca\\_MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-290-%20A%20right%20Abrasives?csf=1&web=1&e=i2bKFM...](https://deedyco.sharepoint.com/:f/r/sites/American_Tripoli_Seneca_MO-CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-290-%20A%20right%20Abrasives?csf=1&web=1&e=i2bKFM...)

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**ATMO - Operations** | You, Don, Gwen, 14



Julie Ann Cureg 2/14 12:14 PM

Robert Baumann We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags It's in the folder.



**ATMO - Operations** | You, Don, Gwen, 14



Robert Baumann 2/14 12:13 PM

Julie Ann Cureg Good morning Robert Baumann John Spears. We will need the shipping paperwork for SO-290 John Spears Julie Ann Cureg 21 bulk bags...



**ATMO - Operations** | You, Don, Gwen, 14



Julie Ann Cureg 2/14 12:03 PM

Good morning Robert Baumann John Spears. [image]



**ATMO - Operations** | You, Don, Gwen, 14



Russell Tidaback (You) 2/13 8:06 PM

Julie Ann Cureg SO-556 is added to the production schedule (14JUL23). Please process the paperwork.



**ATMO - Operations** | You, Don, Gwen, 14



John Spears 2/13 3:03 PM

I'll get that ready momentarily.



**ATMO - Operations** | You, Don, Gwen, 14



Julie Ann Cureg 2/13 2:56 PM

Please print the BOL. They will going to pick it up tomorrow. Thank you!



**ATMO - Operations** | You, Don, Gwen, 14



John Spears 2/13 2:44 PM

Ok. Do I need to finish anything?



**ATMO - Operations** | You, Don, Gwen, 14



Julie Ann Cureg 2/13 2:43 PM

Hi John Spears I uploaded the BOL for SO-555 to its folder.



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- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann** 2/10 4:35 PM  
SO-435 21bulk bags is completed and ready for shipping arrangements Julie Ann Cureg...
- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann** 2/10 4:34 PM  
Russell Tidaback SO-555 is added to the production schedule, Robert Baumann Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR) John Spears The 5lb bags need to be pulled from the small bag inventory and will... Order is wrapped and ready Julie Ann Cureg...
- ATMO - Operations** | You, Don, Gwen, 14
- John Spears** 2/10 9:06 AM  
Robert Baumann Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears I'm on it.
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg** 2/10 9:00 AM  
[https://deedyc0.sharepoint.com/f/r/sites/American Tripoli Seneca MO CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-438%20%20Osborn%20OH?csf=1&web=1&e=05YU25...](https://deedyc0.sharepoint.com/f/r/sites/American%20Tripoli%20Seneca%20MO%20CustomersDistributorsSales/Shared%20Documents/Customers,%20Distributors,%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-438%20%20Osborn%20OH?csf=1&web=1&e=05YU25...)
- ATMO - Operations** | You, Don, Gwen, 14
- Julie Ann Cureg** 2/10 8:59 AM  
Yes it is...
- ATMO - Operations** | You, Don, Gwen, 14
- Robert Baumann** 2/10 8:58 AM  
Truck is here for SO438 is paperwork ready for printing Julie Ann Cureg John Spears...
- ATMO - Operations** | You, Don, Gwen, 14
- John Spears** 2/10 8:05 AM  
Got it! We'll get everything together.
- ATMO - Operations** | You, Don, Gwen, 14
- Russell Tidaback (You)** 2/9 6:17 PM  
SO-555 is added to the production schedule, Robert Baumann Please pull from inventory. 2 Pallets in total (28 AFC, 8 TR) John Spears The 5lb bags need to be pulled from the small bag inventory and will need to be wrapped/secured to the Trifil Rose pallet. I updated the On-Hand inventory tab of the Daily Production...

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	ATMO - Operations	You, Don, Gwen, 14
	Robert Baumann	2/9 12:38 PM Julie Ann Cureg SO-438 15 bulk bags is completed and ready...
	ATMO - Operations	You, Don, Gwen, 14
	John Spears	2/9 12:21 PM Julie Ann Cureg Hi John Spears I uploaded the BOL for SO-544 to its folder. Thanks. I'll get right on it.
	ATMO - Operations	You, Don, Gwen, 14
	Julie Ann Cureg	2/9 12:20 PM Hi John Spears I uploaded the BOL for SO-544 to its folder.
	ATMO - Operations	You, Don, Gwen, 14
	Robert Baumann	2/9 10:21 AM Russell Tidaback SO-554 is added to the production schedule, Robert Baumann Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork. Julie Ann Cureg this order is ready to be shipped out...
	ATMO - Operations	You, Don, Gwen, 14
	Russell Tidaback (You)	2/8 4:32 PM [image]
	ATMO - Operations	You, Don, Gwen, 14
	Russell Tidaback (You)	2/8 4:31 PM Julie Ann Cureg SO-290 & SO-411 is complete per the production schedule. Please process for shipment. John Spears Robert Baumann...
	ATMO - Operations	You, Don, Gwen, 14
	Russell Tidaback (You)	2/8 4:26 PM SO-554 is added to the production schedule, Robert Baumann Please pull from inventory. Julie Ann Cureg John Spears Please process the shipping paperwork. [image]

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**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/14 3:07 PM  
Russell Tidaback Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any way... Mr. Van...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 3:01 PM  
Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any way he can. He retired from...

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/14 2:56 PM  
Russell Tidaback As for the Withdrawal Order question... we will wait until we get clarification from MSHA. I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines. Us sending mill associates home was because no production capability no... Agreed.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 2:55 PM  
As for the Withdrawal Order question... we will wait until we get clarification from MSHA. I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines. Us sending mill associates home was because no production capability not because of the 104(b) order...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 11:57 AM  
Was waiting for his response...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 11:57 AM  
Of course...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 11:50 AM  
Jessie Molesi thanks for including me in on emails to Keith... im responding now.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 10:14 AM  
I will send them a follow up email 🙏



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**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 10:14 AM  
I will send them a follow up email 📧 —

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 10:14 AM  
yes, lets expedite the gilibrator service so the guys dont need the mask for too long.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 10:13 AM  
Hopefully they acknowledge that we are working on it...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 10:13 AM  
Working on making that SOP for the new PPE and gonna adjust the RPP to include the provided PFT test and new PPE. Also will upload these new med evaluations when they get back. Once I get this service code i can send in the Gilibrator so we can add that we do our own sampling and analysis into the RPP program...

**John** Private | You, John and Jordan

**Russell Tidaback (You)** 4/14 10:10 AM  
Check the **ATMO Safety** chat... Jessie was inquiring as well.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 10:09 AM  
Oh no, I think you are doing a stand up job... State to State will have different "guidelines". Unfortunately, from an inspectors point of view, to protect yourself as an inspector, you need to be sure of your source and reference that source.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/14 10:07 AM  
Sorry just checking so many sources that i feel like differ or state different than others...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/14 10:06 AM  
Yes that is my understanding as well. A 104 (b) is not a withdrawal order... a 104(d), 104(g), and a 107(a) ORDERS are withdrawal orders. [https://www.law.cornell.edu/cfr/text/30/104.2...](https://www.law.cornell.edu/cfr/text/30/104.2)

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**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi - 4/14 9:40 AM  
104b.png104b2.png Sir i just want to check for my...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** - 4/14 8:16 AM  
Jessie Molesi Correct me if I am wrong but based off the email we have to get everyone medically check which I will by tomorrow and get a PAPR system for each associate and have them fit tested before we can get a modified 104(b) to then open and run our own sample and have it ran for analysis. Jessie Molesi following...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi - 4/13 7:17 PM  
Also i sent an email to markeson asking for some reference material but also if he or someone else could come out and at the very least allow lighting and power to the maintenance shop still awaiting response...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi - 4/13 7:10 PM  
Frustrating hope to get the sample and analysis program up and running so we can keep track of ourself...

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi - 4/13 6:47 PM  
[https://www.emsl.com/Services.aspx?action=list&TopServiceCategoryID=8&ServiceCategoryID=8&gad=1&gclid=CjwKCAjwDN6h8hAUEiWAXab-TaWKc5oGwIyQcQM0n4p3xBZ6t2RV4ep-Jl4nex5fxBuHNYq0D1ahoCah0QAvD\\_BwE...](https://www.emsl.com/Services.aspx?action=list&TopServiceCategoryID=8&ServiceCategoryID=8&gad=1&gclid=CjwKCAjwDN6h8hAUEiWAXab-TaWKc5oGwIyQcQM0n4p3xBZ6t2RV4ep-Jl4nex5fxBuHNYq0D1ahoCah0QAvD_BwE...)

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi - 4/13 6:47 PM  
Will check this place tomorrow but we may need them for the sample analysis...

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** - 4/13 6:45 PM  
@jessie i found the mobile health service they used in the past. <https://www.phsmobile.com/> They're out of PA though, so that may be why it was expensive, because their tests weren't badly priced.

**ATMO Safety** | You, Don, John, 12

**JS** John Spears - 4/13 5:54 PM  
Russell Tidaback FYI... a 104(b) citation is not a withdrawal order. Ok.

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**ATMO Safety** | You, Don, John, i 2

Russell Tidaback (You) 4/13 5:54 PM  
FYI... a 104(b) citation is not a withdrawal order.

**ATMO Safety** | You, Don, John, i 2

Russell Tidaback (You) 4/13 5:33 PM  
oh yeah, id plan on fit testing them.

**ATMO Safety** | You, Don, John, i 2

JM Jessie Molesi 4/13 5:33 PM  
I will make sure to update the respiratory protection program to have these and study up to make sure I understand them. Also see if I have to do fit tests for them or not...

**ATMO Safety** | You, Don, John, i 2

Russell Tidaback (You) 4/13 5:31 PM  
Im going to see if i can find another charger so if needed we can charge two at a time.

**ATMO Safety** | You, Don, John, i 2

Russell Tidaback (You) 4/13 5:30 PM  
[image]

**ATMO Safety** | You, Don, John, i 2

JM Jessie Molesi 4/13 5:28 PM  
Is there an ets on the respirators...

**ATMO Safety** | You, Don, John, i 2

JM Jessie Molesi 4/13 5:16 PM  
Might not hurt to do the 2 large and 2 medium to have options...

**ATMO Safety** | You, Don, John, i 2

JM Jessie Molesi 4/13 5:15 PM  
Yea you can always adjust using the straps...

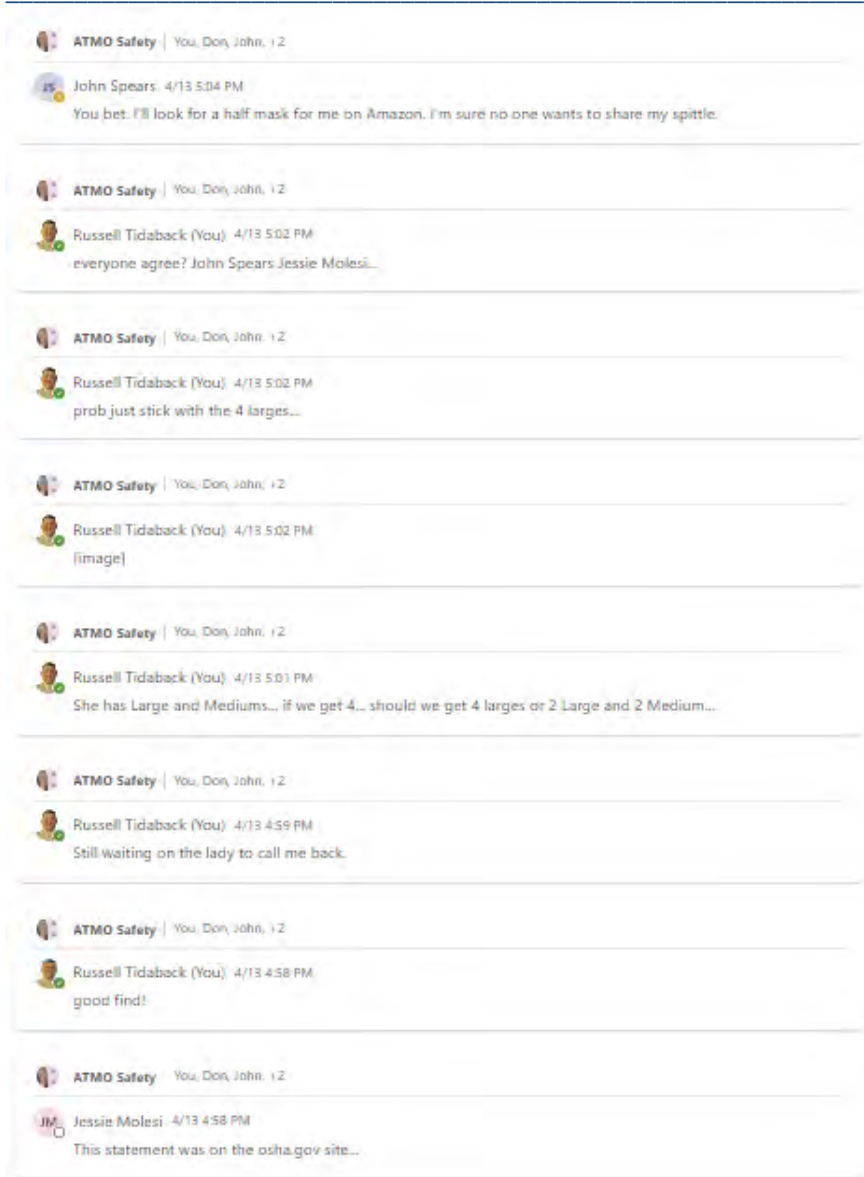


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ATMO Safety | You, Don, John, 12

Jessie Moles | 4/13 4:58 PM

The filter classified as a P100 in Part 84 is the only Part 84 filter that is, in all senses, a HEPA filter as required by 1910.1001, the asbestos standard...

ATMO Safety | You, Don, John, 12

Russell Tidaback (You) | 4/13 4:58 PM

its the largest particle size and the heaviest material.

ATMO Safety | You, Don, John, 12

Russell Tidaback (You) | 4/13 4:57 PM

PLUS... MUST, and this should be done every day anyhow, OPEN ALL WINDOWS AND DOORS. On air quality sample day, always run OGR.

ATMO Safety | You, Don, John, 12

John Spears | 4/13 4:57 PM

Yes sir.

ATMO Safety | You, Don, John, 12

Russell Tidaback (You) | 4/13 4:56 PM

just have to play it smart...

ATMO Safety | You, Don, John, 12

Russell Tidaback (You) | 4/13 4:56 PM

maintenance guy, sits in maint office...

ATMO Safety | You, Don, John, 12

Russell Tidaback (You) | 4/13 4:55 PM

usually a person that isnt going to get all in it.. control room person, forklift driver, palletizer person...

ATMO Safety | You, Don, John, 12

John Spears | 4/13 4:55 PM

Russell Tidaback this is why we hardly ever choose Jim to wear a monitor. Jim attracts the dust Yep. Dirty Jimmy.

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ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/13 4:54 PM  
lol...

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/13 4:54 PM  
this is why we hardly ever choose Jim to wear a monitor, Jim attracts the dust...

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/13 4:54 PM  
If they werent wearing a monitor... they wont be included.

ATMO Safety | You, Don, John, +2

JM\_ Jessie Molesti 4/13 4:54 PM  
I believe so just based looking off the chart i posted earlier...

ATMO Safety | You, Don, John, +2

JS John Spears 4/13 4:53 PM  
We'll need at least 4 units. I'm afraid MSHA will ask us about the maintenance personnel. I'm sure they'll be next to be tested.

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/13 4:53 PM  
The 3M 2097 filters can be bought at lowes, ace hardware, etc...

ATMO Safety | You, Don, John, +2

Russell Tidaback (You) 4/13 4:52 PM  
HEPA equivalent to P100, yes?

ATMO Safety | You, Don, John, +2

JS John Spears 4/13 4:51 PM  
I'm sure as long as it is a HEPA.



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Seneca, MO 64865  
Office (239) 829-5457

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:50 PM  
[https://www.3m.com/3M/en\\_US/p/d/v000075275/](https://www.3m.com/3M/en_US/p/d/v000075275/)

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:50 PM  
Everyone agree the 3M P100 2097 filters should be sufficient?

**ATMO Safety** | You, Don, John, 12

JS John Spears 4/13 4:48 PM  
Yes. N95.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:47 PM  
N95v ?

**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 4/13 4:46 PM  
Yes for the Admin office an N95v mask or half mask with dual respirators works...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:46 PM  
I am having her double check the on-hand inventory... she has 4 larges but is confirming this.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:45 PM  
John is good with the normal N95 as he did not test over due to going to the admin bldg etc throughout the day.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:44 PM  
Its not EVERYONE ... only those tested to be over exposed.





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 **ATMO Safety** | You, Don, John, + 2


 Russell Tidaback (You) · 4/13 4:44 PM


yes, its only for the individuals who were tested to be over exposed.

 **ATMO Safety** | You, Don, John, + 2


 JM · 4/13 4:43 PM


The citation shows the 4 mill associates that were working out there at that time. So i wonder what about the maintenance team...

 **ATMO Safety** | You, Don, John, + 2


 Russell Tidaback (You) · 4/13 4:42 PM


Anyone?

 **ATMO Safety** | You, Don, John, + 2


 Russell Tidaback (You) · 4/13 4:41 PM


[image]

 **ATMO Safety** | You, Don, John, + 2


 Russell Tidaback (You) · 4/13 4:41 PM


Who was exposed? John wasnt... but who else did they test? This is the number we need to buy.

 **ATMO Safety** | You, Don, John, + 2


 Russell Tidaback (You) · 4/13 4:38 PM


3?

 **ATMO Safety** | You, Don, John, + 2

 Russell Tidaback (You) · 4/13 4:35 PM

How many masks do we need? what sizes...

 **ATMO Safety** | You, Don, John, + 2

 Russell Tidaback (You) · 4/13 4:34 PM

if above N95 standards, yes...



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**ATMO Safety** | You, Don, John, 12

**Jessie Moles** 4/13 4:33 PM  
so the filters are good for about a week...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 4:31 PM  
<https://multimedia.3m.com/mws/media/150740Q/understanding-3m-p-series-particulate-respirator-filters-technical-data.pdf...>

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 4:30 PM  
Thats fine... we only produce to a 10 micron...

**ATMO Safety** | You, Don, John, 12

**John Spears** 4/13 4:29 PM  
Jordan Tidaback the filter part of it. Aren't they still sold with the 95, 99 or 100 class? From my research so far, the HEPA ("High Efficiency" Particulate Absorbing) filter is good down to .3 microns which is the same as the dual filter P-100 half-mask. Weather it is positive forced air flow (\$600+) or half-mask (\$80...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 4:27 PM  
probably the 2097 P100...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 4:22 PM  
yes but it has to be a High-efficiency...

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/13 4:21 PM  
the filter part of it. Aren't they still sold with the 95, 99 or 100 class?

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/13 4:20 PM  
Citation states we tested as high as 1.77 mg... [image]

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**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 4:19 PM  
An APF 50 or 1000 is what we are looking for [image]

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/13 4:16 PM  
I think the 100 series is as high as it goes. I think we would just need the N since we don't spray or produce droplets from oil components that may become airborne. [image]

**ATMO Safety** | You, Don, John, 12

JS John Spears 4/13 4:07 PM  
Russell Tidaback So... How many do we need? We only need two people to run the mill... bulk bags... I like this model. The main question is what kind of filter do we need to meet the requirements for particulate size? Since P-100 mask are only good down to .3 micron and that's not good enough for MSHA. I'm researching...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 3:46 PM  
<https://www.jendcosafety.com/3m-powerflow-face-mounted-powered-air-purifying-respirator-papr-6900pf-large...>

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 3:46 PM  
three may be easier...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/13 3:46 PM  
So... How many do we need? We only need two people to run the mill... bulk bags...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 4/13 3:32 PM  
They are old and outdated. The foam around the seal is dry rotted out and the helmet is outdated. They are only good for 10 years...

**ATMO Safety** | You, Don, John, 12

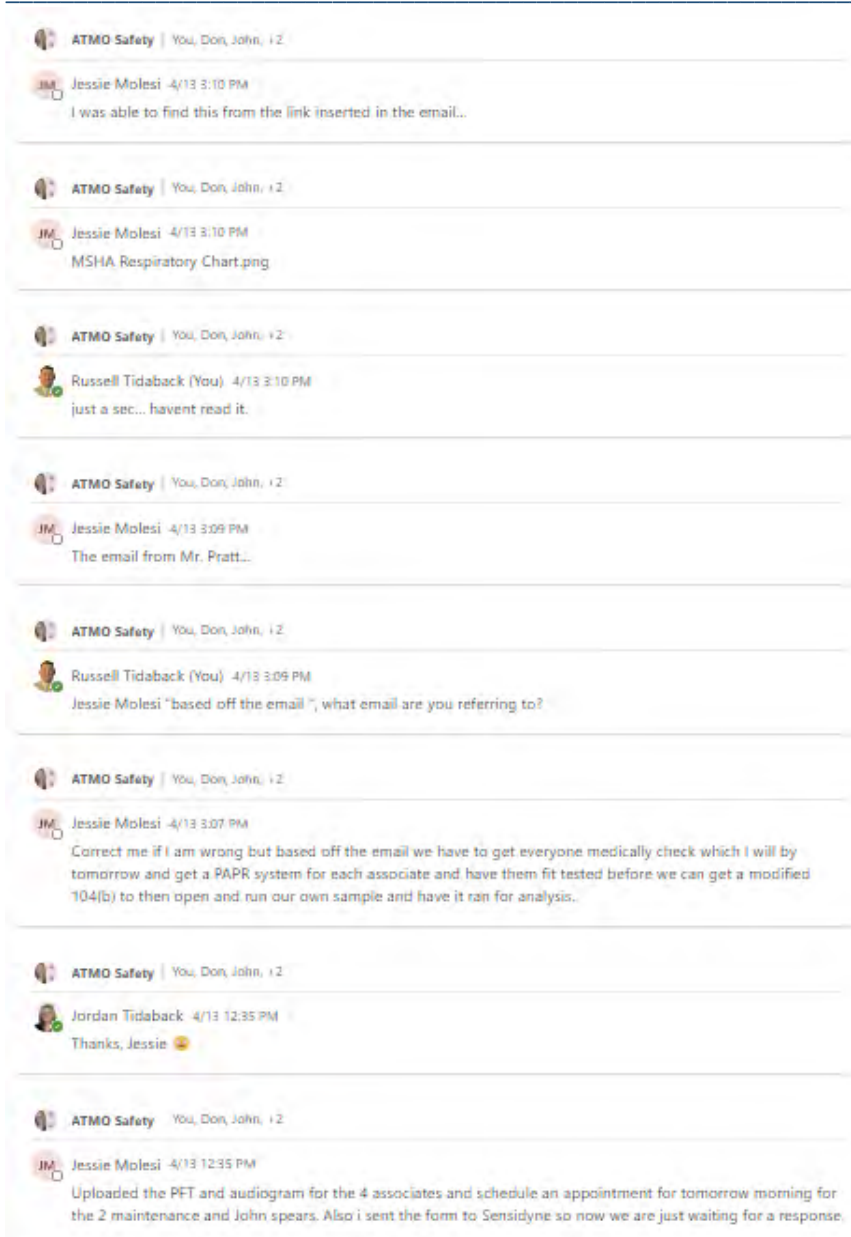
Russell Tidaback (You) 4/13 3:31 PM  
Jessie Molesi Acknowledged. For now i have these 4 PAPR systems i found and i am seeing if they work The 4 PAPR systems we have... Do they work or need serviced or ??? Jessie Molesi...

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**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/13 11:41 AM  
ok thank you...

**ATMO Safety** | You, Don, John, +2

Jordan Tidaback 4/13 11:38 AM  
Looks like you already had it filled out and just needed the info that I put on the PO?

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/13 11:16 AM  
Jordan Tidaback Hey is that Sensidyne Form filled out so i can send it to Sensidyne Service to get the service code so we can mail it out.

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/12 8:59 PM  
I did fill all the form except the two things i circled.was waiting for that before i sent the form to sensidyne...

**ATMO Safety** | You, Don, John, +2

Jordan Tidaback 4/12 8:56 PM  
oh ok. Looks like you had the rest filled out in your picture already.

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/12 8:53 PM  
I forwarded the email from sensidyne service...

**ATMO Safety** | You, Don, John, +2

Jordan Tidaback 4/12 8:50 PM  
Sorry i may be overlooking the form you sent. I only see the picture that has the shipping info circled. The PO i attached has our FedEx info on it for them to send it back to us and charge our acct. I assume we could send it to them via USPS using a medium or flat rate box. We can get the shipping label through...

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/12 8:42 PM  
Yes ma'am so the form i gave you guys has to be filled out and sent to sensidyne service email and we will get a service code. Then we can send it to them and they will calibrate and certify it then sending it back to us...

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 8:40 PM  
PO-00131 SENSIDYNE.pdf So we send them the gilibrator, they calibrate it and send it back?

PO-00131 SENSIDYNE....

**ATMO Safety** | You, Don, John, 12

JM 4/12 4:34 PM  
for the Gilibrator 2 setup you could use a 8" x 8" x 8" box to fit it...

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 4:27 PM  
yep exactly. Thank you.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/12 4:26 PM  
the shipping cost is determined by the box size and weight...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/12 4:26 PM  
We need you to measure the box you are going to put the gilibrator in.

**ATMO Safety** | You, Don, John, 12

JM 4/12 4:25 PM  
What size packing are you looking at?

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 4/12 4:19 PM  
Jordan Tidaback So I guess the Shipping info is how we want it sent back to us? I need the measurement of the box so we can look at method of shipping and costs. And the cost is \$220 for the recalibration? Is that correct to put on the PQ? Just a reminder, I need the size of the gilibrator that we'll be sending so I...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 4/12 3:16 PM  
I personally prefer Cornell Law Schools library... its just easier to use...  
<https://www.law.cornell.edu/cfr/text/30/part-56> You can just through the chapters easier... [image]



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---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:13 PM  
The fed site... <https://www.ecfr.gov/current/title-30-MSHA-site...> <https://a1web.msha.gov/regs/30cfr/>

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:12 PM  
then reference the CFR through many different methods... the book, online, etc.

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:11 PM  
[image]

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:11 PM  
on the citation, look here...

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:10 PM  
IMO, as long as you are making the effort to resolve an issue, you are making progress. Asking for an extension time frame to terminate, should always be a given. If you dont ask you'll never get one. I believe you have made efforts to resolve the initial citation(s). That is all we can do. We cannot control the...

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:05 PM  
I dont want you to be afraid of MSHA or inspections. We need to know what is right and what is wrong. We can fix what is wrong and should never rely on someone elses opinion of what right should look like. This is why we have regulations and laws.

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:04 PM  
This is a good exercise. If you have trouble finding it in the CFR, let me know and I will guide you.

---

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** - 4/12 3:00 PM  
No worries... I want you to research the CFR based on the paperwork Keith gave you. This is why they have to give you a Part/Section of Title 30 CFR (block 9.c on the citation). I dont want Keiths opinion, I want you to research the details. Remember, an inspector is suppose to give you a non-bias, non-opinionated...

---

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**ATMO Safety** | You, Don, John, 12

**Jessie Molesi** 4/12 2:35 PM

I will check with Keith to find out what his exact source was and send it to you. I hate being confused and what to make sure I understand....

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 2:28 PM

Keith likes to add too much of his own opinion rather than keeping to what the regulation guidelines are.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 2:27 PM

Jessie Molesi Can you provide the reference to where the CFR states that we NEED to purchase the PAPR system? Im not trying to be a pain, I just dont think we need to purchase \$12k worth of equipment which the company has never used.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 2:25 PM

unless I am reading it wrong.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 2:25 PM

Again, reading the CFR, it does not state that it is a requirement to purchase a PAPR system.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 2:23 PM

Hmmm, interesting, what is "progression on working with our dust ventilation systems"? Opening the doors, windows, and turning on the exhaust fans... this has always worked in the past...

**ATMO Safety** | You, Don, John, 12

**Jessie Molesi** 4/12 2:20 PM

This sucks but I don't think MSHA is wrong they gave us time to show progression on working with our dust ventilation systems but we have not, therefore at that rate even with windows and doors open we will never be under the threshold limit for silica concentration. Also as far as the respirator Markeson explained to...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 2:14 PM

John Spears Russell Tidaback because once again we're back to the hand grinder scenario. I agree.

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**ATMO Safety** | You, Don, John, +2

John Spears 4/12 2:14 PM

Russell Tidaback because once again we're back to the hand grinder scenario.

**ATMO Safety** | You, Don, John, +2

John Spears 4/12 2:12 PM

Russell Tidaback John Spears I'd like your thoughts on this too. I'm not very happy about this one bit. We requested a retest and time to get everyone health tested. Doing a "fit test" is useless until we find out what forms of breathing apparatuses we are able to use. I figured Mr. Pratt and Mr. Simms would have...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 4/12 1:57 PM

John Spears I'd like your thoughts on this too.

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 4/12 1:33 PM

Jessie Molesi Have you read over the referenced sections of the CFR (56.5001 (a) / 56.5005)? I'd like to get your thoughts on this citation/order:

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 4/12 1:31 PM

Thanks. I moved them to a 12APR2023 folder. Its understandable that this MSHA stuff is frustrating and aggravating. We can only do what we can do. I guess Mr. Markeson didnt think ordering more M95 masks, the ear plugs, researching to have the Gibraltar calibration done or the scheduling of the cardio tests is effort...

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/12 1:13 PM

done...

**ATMO Safety** | You, Don, John, +2

Russell Tidaback (You) 4/12 1:08 PM

Jessie Molesi Its okay, if he issued the order to be closed down, just scan it to a 12APR2023 folder and let me know when this is completed. I have already spoken with Mr. Pratt this morning and will call him again once I see the order. John Spears...

**ATMO Safety** | You, Don, John, +2

Jessie Molesi 4/12 1:05 PM

Yes 220 is the correct amount....



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**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 1:05 PM

This is why we have to read and understand the CFR... [image] <https://www.law.cornell.edu/cfr/text/30/56.5001>  
56.5001 Exposure limits for airborne contaminants. "Except as permitted by § 56.5005 -"  
<https://www.law.cornell.edu/cfr/text/30/56.5005> "(a) Respirators approved..."

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 1:04 PM

So I guess the Shipping info is how we want it sent back to us? I need the measurement of the box so we can look at method of shipping and costs. And the cost is \$220 for the recalibration? Is that correct to put on the PD?

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/12 12:51 PM

Jessie Molesi I need the PAPR systems to do fit tests on them. Also he said based on the concentrations of silica we have in the air we are required per MSHA to have either a PAPR system or SCBA system until levels can be lowered. WE have the environmental controls in place... we need to use them and have a resample.

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 12:39 PM

Yes, I'll look at that form. One moment...

**ATMO Safety** | You, Don, John, 12

**Jessie Molesi** 4/12 12:33 PM

Well for now could you help me with this form so i can get the Giliibrator sent in for recalibration. We need to get the sampling and analysis set up so we can get Citation #9539788 terminated...

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 12:20 PM

I honestly don't think we'll be going that way, but we will see. That was the whole point of the resample.

**ATMO Safety** | You, Don, John, 12

**Jessie Molesi** 4/12 12:17 PM

I need the PAPR systems to do fit tests on them. Also he said based on the concentrations of silica we have in the air we are required per MSHA to have either a PAPR system or SCBA system until levels can be lowered.

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/12 12:14 PM


Have we done the fit tests yet?


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
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 **ATMO Safety** | You, Dor, John, 12


 Jordan Tidaback 4/12 12:11 PM


We'll have to see what they say when we hear back from them. Those systems weren't required before and there is nothing in the regs that requires it. Based on our micron size, N95 masks meet that requirement. \$12K is not pocket change.

 **ATMO Safety** | You, Dor, John, 12


 Jessie Molesi 4/12 12:01 PM


The MSHA inspector informed me that the doors and windows were open along with exhaust fans on on the day they did sampling. He also said that we cannot do production until we have the PAPR systems and everybody is medically evaluated and fit tested.

 **ATMO Safety** | You, Dor, John, 12


 Jordan Tidaback 4/12 11:53 AM


We've been in contact with MSHA and will let you all know what we hear.

 **ATMO Safety** | You, Dor, John, 12


 Jordan Tidaback 4/12 11:52 AM


The point of their revisit was to do a resample. Since we weren't running, they should have come back later. When we were cited for this last month, it's possible the "engineering controls" (open doors, windows, exhaust fans) weren't being used, thus resulting in a higher concentration. When the engineering controls are...

 **ATMO Safety** | You, Dor, John, 12


 Jessie Molesi 4/12 11:48 AM


The systems could be overnighted but it is an extra \$2,000 or we have to wait until the 19th of April for the \$0 option...

 **ATMO Safety** | You, Dor, John, 12


 Jessie Molesi 4/12 11:38 AM

Sent an email that has the PAPR systems we need to get up and running again...

 **ATMO Safety** | You, Dor, John, 12

 Jessie Molesi 4/11 3:35 PM

Also I talked to Joplin Fire Protection and they said if we bring both fire extinguishers in it would cost \$45 to recharge them.

 **ATMO Safety** | You, Dor, John, 12

 Jessie Molesi 4/11 3:14 PM

so would we do a credit card or do you want me to get the info for the PO. Also not sure what to put for carrier and shipping method.



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**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 4/11 3:11 PM

For a PO to be created we need to know Vendor Vendor address website phone email address Service Quote info...

**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 4/11 2:56 PM

Gilibrator RM paperwork.png I have questions about the highlighted sections on the information required...

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 4/11 2:21 PM

Billing email is AP@AmericanTripoli.com

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 4/11 2:20 PM

okay, create an account with them, share the info with us, and have it sent for servicing.

**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 4/11 2:19 PM

The battery is working fine it turns on but does have an error message so I need to see if that is the base...

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 4/11 2:15 PM

(Shipments) Shipping/Receiving Warehouse: 5 Oneida St, Seneca, MO 64865 (Amazon, UPS, Fedtex)  
Administration Office: 222 Oneida St, Seneca, MO 64865 Mailing Address: 2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414...

**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 4/11 2:14 PM

To confirm what is the company mailing address?

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 4/11 2:11 PM

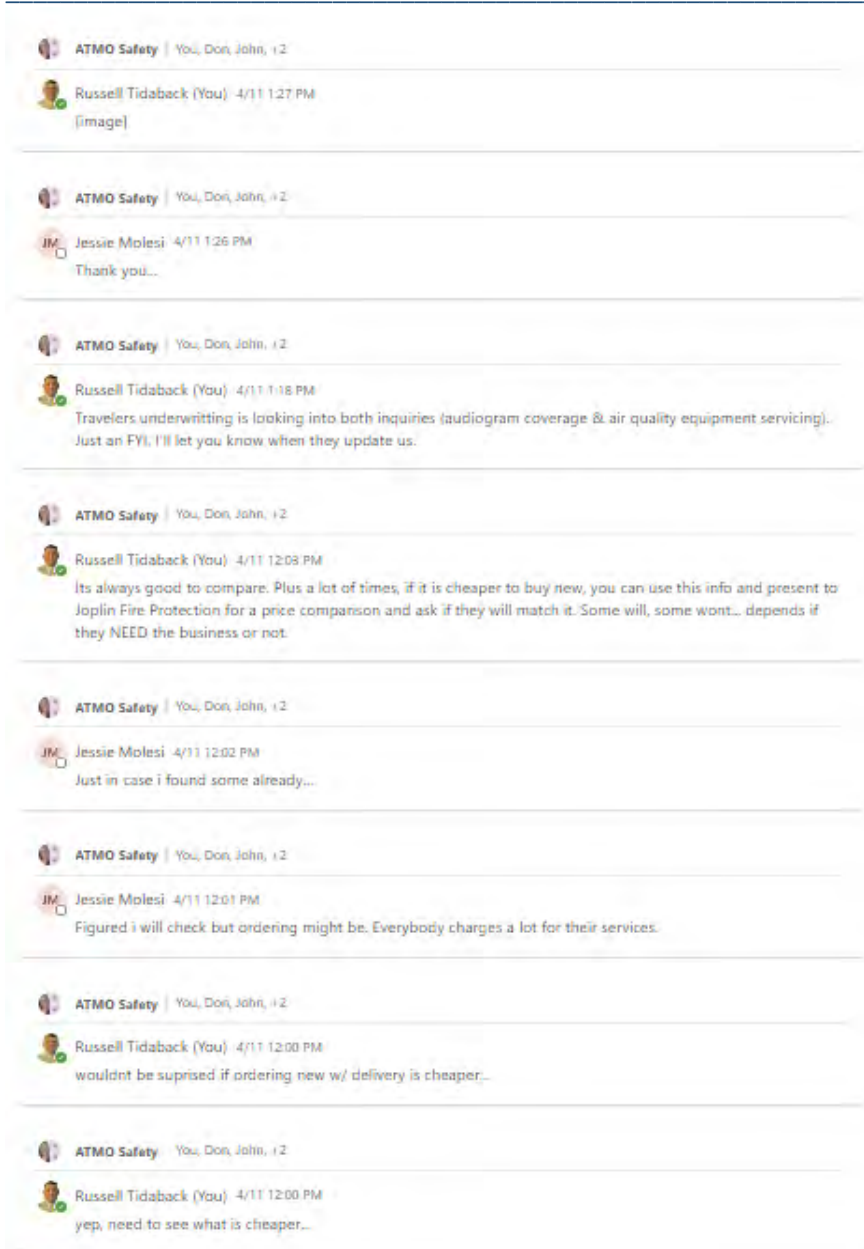
Jessie Molesi Neither the Air quality equipment servicing or the audio grams are covered by insurance. Make sure the invoice goes to the company mailing address. The Gilibrator... what do we need? All that is needed is "cell calibration? does the battery work? [image]

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 **ATMO Safety** | You, Don, John, 12


 **Jessie Molesi** 4/11 11:59 AM


we do have the old ones and I can contact Joplin Fire Protection to have them come out and recharge the tanks.

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** 4/11 11:59 AM


We will get the eye wash fluid ordered and send you a delivery status.

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** 4/11 11:57 AM


Ref. Items needed email... fire extinguishers... do we have the old ones? Are they chargeable? do we have extra extinguishers in the garage or the mill storage room (room just outside the maintenance area)? Jessie Molesi...

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** 4/11 11:48 AM


I've been on the phone with them for 20 minutes waiting already...

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** 4/11 11:39 AM


yes, you can send them.

 **ATMO Safety** | You, Don, John, 12


 **Russell Tidaback (You)** 4/11 11:39 AM

yep, they wont give you the info. Your not an authorized rep.

 **ATMO Safety** | You, Don, John, 12

 **Jessie Molesi** 4/11 11:38 AM

I called the insurance company and left a message so I'm still not sure if the audiograms are covered until I get a call back. Am I still fine to send the 4 mill associates for audio and PFT tomorrow morning during maintenance fixes.

 **ATMO Safety** | You, Don, John, 12

 **Jessie Molesi** 4/11 11:22 AM

copy that...



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**ATMO Safety** | You, Don, John, 12



Russell Tidaback (You) 4/11 11:20 AM

Post pages for Workmans Comp - **ATMO.pdf** Make sure these get posted to the cork board in the Mill Breakroom.



Post pages for Workm...

**ATMO Safety** | You, Don, John, 12



Russell Tidaback (You) 4/11 11:08 AM

USAA -> Travelers...

**ATMO Safety** | You, Don, John, 12



JM Jessie Moles 4/11 10:45 AM

what is the insurance company we use?

**ATMO Safety** | You, Don, John, 12



Russell Tidaback (You) 4/11 9:53 AM

Insurance company doesnt open until 9am CST. Glibrator 2, noted, placed on list of things needed.

**ATMO Safety** | You, Don, John, 12



JM Jessie Moles 4/11 9:49 AM

Also are we good on the calibration of the Glibrator 2...

**ATMO Safety** | You, Don, John, 12



JM Jessie Moles 4/11 9:46 AM

Where you able to see if the audiogram is in our coverage so the 4 mill associates are good for tomorrow morning to get the PFT test and audiogram done.

**ATMO Safety** | You, Don, John, 12



Russell Tidaback (You) 4/10 6:08 PM

For the invoice...

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**ATMO Safety** | You, Don, John, +2

**Jessie Molesi** 4/10 11:18 AM

I saw the previous invoice for it from 2012 when it was last done and it was \$350. I have emailed the service section of the company for an updated invoice.

**ATMO Safety** | You, Don, John, +2

**Jordan Tidaback** 4/10 11:14 AM

Hi Jessie Molesi - How much is the calibration?

**ATMO Safety** | You, Don, John, +2

**Jessie Molesi** 4/10 10:48 AM

[https://www.sensidyne.com/Service/Sensidyne\\_Service\\_RMA%20Request\\_Form\\_101822T8.pdf...](https://www.sensidyne.com/Service/Sensidyne_Service_RMA%20Request_Form_101822T8.pdf...)

**ATMO Safety** | You, Don, John, +2

**Jessie Molesi** 4/7 4:20 PM

The Giliibrator 2 cell calibration \

**ATMO Safety** | You, Don, John, +2

**Jessie Molesi** 4/7 4:19 PM

\*Service Return Form 2018 (sensidyne.com)

**ATMO Safety** | You, Don, John, +2

**Jessie Molesi** 4/7 4:19 PM

already found the fillable form out online to set it up for calibration but it needs billing information and other information i don't have. Also i sent the forms into Xpress Wellness so once they accept them we can start scheduling audiograms along with the PFT test next week 🍀

**ATMO Safety** | You, Don, John, +2

**John Spears** 4/7 4:16 PM

Jessie Molesi i was able to find an air sampling kit with wearable monitors in the storage room along with a calibrator for them. The calibrator was last calibrated in 2012. The air monitors turn on and need to be calibrated... Very good. Let's find out about calibration.

**ATMO Safety** | You, Don, John, +2

**Jessie Molesi** 4/7 4:11 PM

I was able to find an air sampling kit with wearable monitors in the storage room along with a calibrator for them. The calibrator was last calibrated in 2012. The air monitors turn on and need to be calibrated but can't be until the main calibration system is sent into Sensidyne and recalibrated to an updated...



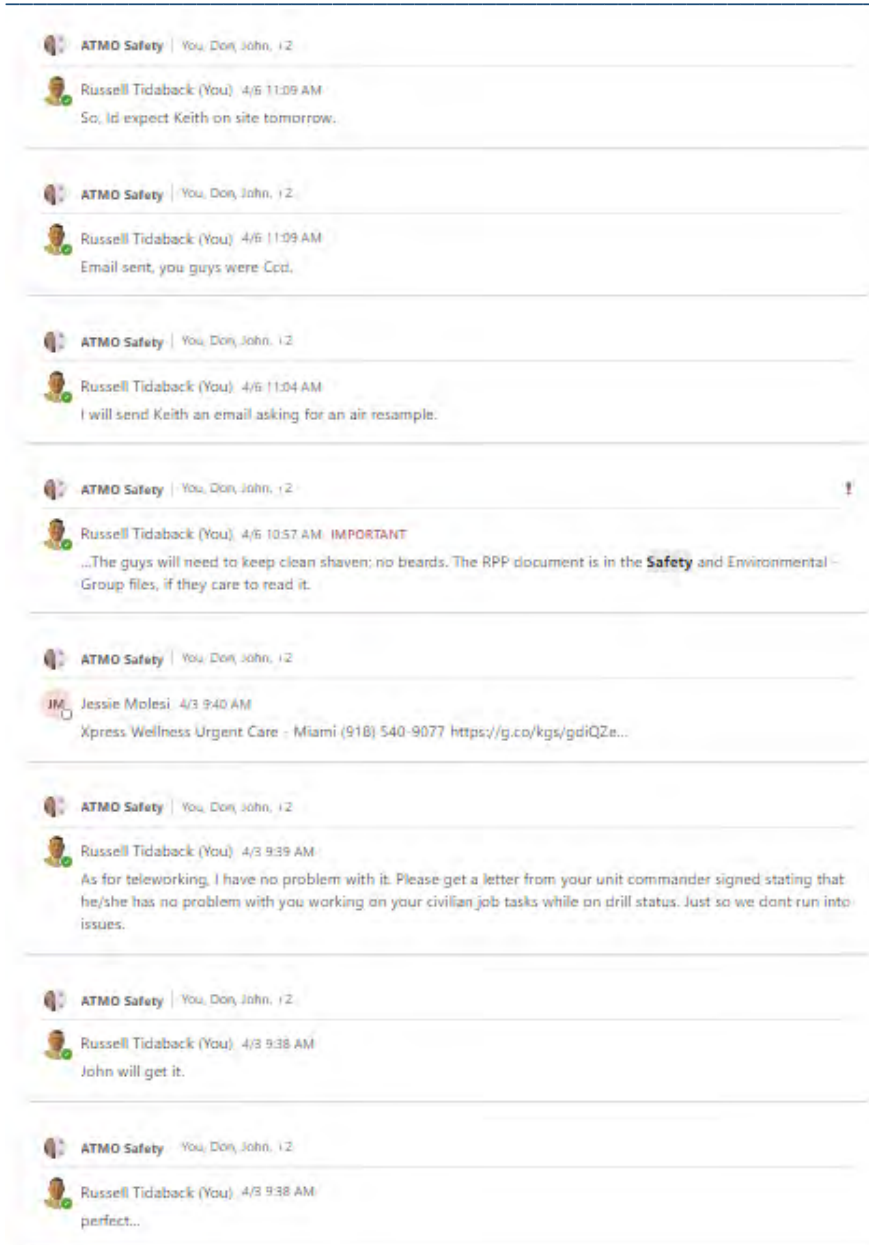


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**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 4/3 9:32 AM  
Yes, thanks Jessie. When scheduling, please try to schedule it where we don't interfere with production. Whether it be on a Wednesday morning, during maintenance time or people are spread out so only one is gone at a time and we can still produce. I think they had a service come out one time and do testing on site.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/3 9:32 AM  
John Spears Will do!

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:31 AM  
Jessie Molesi As a Guardsman, you may be able to work your civilian job while on orders depending on the type of orders you are on and the policies of your unit. However, you need to consult with your unit leadership to ensure compliance with regulations, unit policies and get explicit written permission from your...

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/3 9:24 AM  
Jessie Molesi Still gonna try to telework to get my hours but gonna work on scheduling everybody for the audio gram and pft test Very good. Keep after it. Much appreciated.

**ATMO Safety** | You, Don, John, 12

**JM** Jessie Molesi 4/3 9:23 AM  
Still gonna try to telework to get my hours but gonna work on scheduling everybody for the audio gram and pft test...

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:13 AM  
Oh, right...

**ATMO Safety** | You, Don, John, 12

**JS** John Spears 4/3 9:13 AM  
Russell Tidaback Jessie Molesi Please ensure all doors, windows, etc are open. 🗨️ Jessie is at Guard duty. I'll make sure.

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 4/3 9:06 AM  
Jessie Molesi Please ensure all doors, windows, etc are open. 🗨️

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---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 2:08 PM  
Lets wait until we hear back from Norman Z.

---

**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 3/31 1:52 PM  
...I'm updating the training plan with the "Live interactive instructor led videoconference" teaching method and also including Jessie as a **Safety** POC....

---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 1:13 PM  
It takes time... but we will get there. Any training or related MSHA questions dont hesitate to reach out to Norman Zeman, Zeman.Norman@DOLGOV, he has always been a good reference for things MSHA related. He usually responds with 24 hrs where other people... it make take weeks.

---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 1:08 PM  
Again, you are part of the operations team that keeps the employees safe and keeps the company compliant with outside organizations. As you learn the role and its responsibilities, you will understand more of whats right and whats wrong. 99% of the time we receive a citation... its going to be an oversight because...

---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 1:05 PM  
Jessie Molesi Anytime you receive a MSHA citation, Always look at the [image] I use the Cornell Law School library for the e-CFR, as they have it broken down to an easier to read format...  
<https://www.law.cornell.edu/cfr/text/30/56.5001> you can jump to specific sections quickly (see arrows) [image]...

---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 12:53 PM  
IMO, I dont know why they, who ever built the building, just didnt run chain link fencing around the bottom of the building and remove the floor level walls of the bldg. Air flow problem resolved. [image]

---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 12:51 PM  
windows, doors, and exhaust fans... is the "engineering control" to address the air quality issue.

---

**ATMO Safety** | You, Don, John, 12

**Russell Tidaback (You)** 3/31 12:50 PM  
I wouldnt be suprised if they dont, and I wouldnt put too much effort into them. Again, from previous owner and mill management... they were never used in the Mill.

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**ATMO Safety** | You, Don, John, + 2

Jessie Molesi 3/31 12:49 PM

Acknowledged. For now i have these 4 PAPR systems i found and i am seeing if they work...

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/31 12:47 PM

Jessie Molesi please acknowledge.

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/31 12:47 PM

but for the immediate fix... as I dont think, and if I remember correctly, we have those PAPRs but have never used them... have all the doors and windows open anytime the mill is operating AND have all the exhaust fans on. This is part of the Mill start up and shut down steps Rob should be ensuring is done everyday.

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/31 12:45 PM

I will stress with you... any MSHA inspector is not your friend. Anything you say to or in their presence can AND WILL be used against you in a court of law. Hopefully, this will never be needed BUT just be well aware.

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/31 12:43 PM

Jessie Molesi Keith is a good guy, you may want to connect with him on how to build a good tracking and managing system for the citations.

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/31 12:42 PM

Travelers is our carrier. I'll look into this... never heard of this being done but learn something new everyday when dealing with MSHA. 🤔

**ATMO Safety** | You, Don, John, + 2

Jessie Molesi 3/31 12:41 PM

Russell Tidaback who is our carrier insurance the MSHA inspector told me that I could contact them and see if they offer programs to send us the equipment we need to do air surveys and send the equipment back for analysis.

**ATMO Safety** | You, Don, John, + 2

Russell Tidaback (You) 3/31 12:39 PM

Hi Jessie... With the MSHA citations today... "Engineering Controls" are easier and more effective than a respirator. The thing to take in consideration is the amount of air flow through the building during an air sampling. eg open all doors, open all windows on all floors, and turn on all exhaust fans... this probably...



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	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:38 AM Daily workplace - Maintenance Team inspection... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VUNkRBWjZaQjKQlc0M1dFQlVXMDdESE1YQlQCN0PWcu...">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VUNkRBWjZaQjKQlc0M1dFQlVXMDdESE1YQlQCN0PWcu...</a>
	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:37 AM Daily Workplace Inspection... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VUQjUxM1QwQUFQVDNOTVBSTBISExNNTASUCQlQCN0PWcu...">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VUQjUxM1QwQUFQVDNOTVBSTBISExNNTASUCQlQCN0PWcu...</a>
	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:36 AM Here is the Daily Workplace Inspection... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VURFU0NEY0QlPRRUMwNVFYU01RQ1RVOUkSSQlQCN0PWcu...">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VURFU0NEY0QlPRRUMwNVFYU01RQ1RVOUkSSQlQCN0PWcu...</a>
	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:35 AM Here is the Forklift Inspection... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VU0ENTSLdUQjY50FA4MTIYTRXN0g2NEINQSQlQCN0PWcu...">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VU0ENTSLdUQjY50FA4MTIYTRXN0g2NEINQSQlQCN0PWcu...</a>
	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:34 AM Here is the Mobile Equipment Pre-Operation Inspection you can edit... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-</a>
	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:25 AM Here is the Mill Associate you can edit... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VURTJREpYSElQV1ZZMU5MN1RaWTFISUZBUlQlQCN0PWcu...">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VURTJREpYSElQV1ZZMU5MN1RaWTFISUZBUlQlQCN0PWcu...</a>
	ATMO Safety   You, Don, John, + 2
	Russell Tidaback (You) 3/31 11:22 AM Jessie Molesi Here is the Mill Lead form you can edit... <a href="https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VUN1E4MEVRRjZOS1hKUFdiSJNWUTFTRE01WCQlQCN0PWcu...">https://forms.office.com/Pages/DesignPageV2.aspx?subpage=design&amp;FormId=7sIRzd0I0UK57uwba3PsJB_fmSyetSVMumXsGSt09-VUN1E4MEVRRjZOS1hKUFdiSJNWUTFTRE01WCQlQCN0PWcu...</a>
	ATMO Safety   You, Don, John, + 2
	JM   Jessie Molesi 3/31 11:15 AM Jordan Tidaback For the workplace exam for the Mill Lead could you add a section to it so we can see when the problems listed are fixed. So it can all stay in one document that way we can what was wrong and when it got fixed. I saw MSHA requires for our workplace exam to also have on it when the problem was fixed.

CustomerService@AmericanTripoli.com

**EXHIBIT 3**

Exhibit P-43, Page 537


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 **ATMO Safety** | You, Don, John, 12


 **John Spears** 3/30 5:06 PM


Jordan Tidaback and please know we are trying to pull strings wherever we can to get the palletizer motor back.  
Yes Ma'am! Sounds great!

 **ATMO Safety** | You, Don, John, 12

 **Jessie Moles** 3/30 5:06 PM

Hopefully soon 🙏

 **ATMO Safety** | You, Don, John, 12

 **Jordan Tidaback** 3/30 5:05 PM

and please know we are trying to pull strings wherever we can to get the palletizer motor back.

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/30 5:05 PM  
and please know we are trying to pull strings wherever we can to get the palletizer motor back.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:05 PM  
have to know the team members weaknesses and strenghts...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:04 PM  
Thats just part of leadership...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/30 5:03 PM  
That is very much true...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:02 PM  
also, all guys seem to think we are all a bunch of 15-years old, can conquer the world and lift a million lbs... but afterwards... age reminds us that we arent teenagers anymore. With the guys in the mill, you will have to "hold their hand" and remind them to stretch, eat right, get enough sleep each night, etc...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 5:00 PM  
Reminder... we need to perform stretching exercises every morning. As the temperatures start to change, so does what our body requires. Drink plenty of water, stretch the muscles you know you are using, especially your legs, back, arms, and neck.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 4:49 PM  
American Tripoli Letter Head1.docx Jessie Molesi its always best when an employee states they strain or pull a muscle to make a note of what they say when you speak with...

American Tripoli Lette... .docx

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/30 4:42 PM  
We dont need to print a copy for them but message them individually or tag them in the Mill Chat group and send the pdf link.

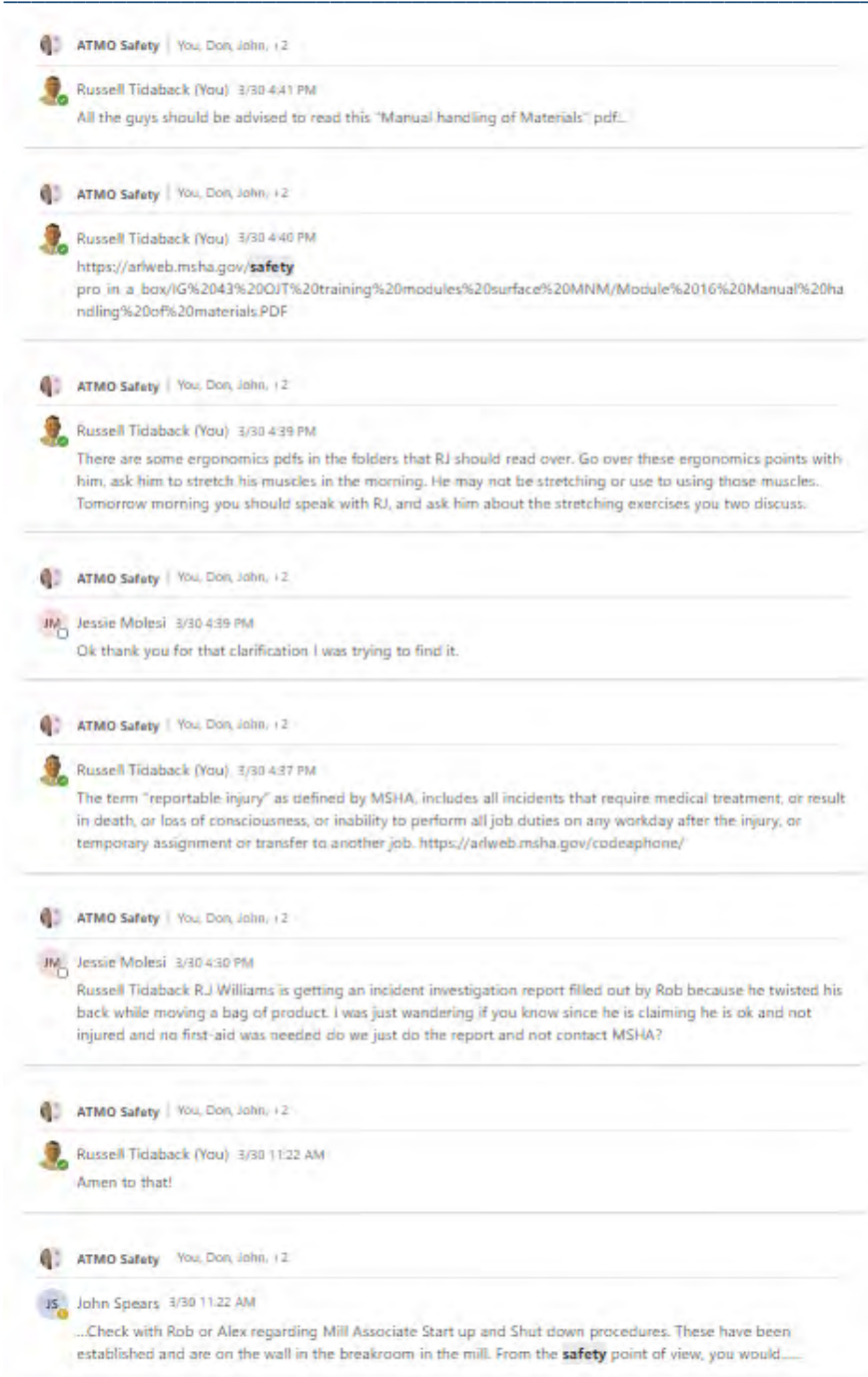


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**ATMO Safety** | You, Don, John, 12

JM Jessie Moles 3/29 4:27 PM  
No those are the old mill evacuation maps.

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/29 4:28 PM  
Emergency Evacuation Floor Plan.pdf Hi Jessie Molesi is this what you're looking for?

Emergency Evacuation...  
American\_Tripoli\_Seneca...

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/29 3:31 PM  
There are ones that are used in the mills regulatory and **safety** sheet and i was wondering where those originals are.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/29 3:30 PM  
Is this what you're looking for? Jessie Molesi...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/29 3:29 PM  
[https://deedyco.sharepoint.com/:b/r/sites/American\\_Tripoli\\_Seneca\\_MO-SafetyandEnvironmental-Private/Shared%20Documents/Safety%20and%20Environmental%20-%20Private/Emergency%20Action%20Plan/Emergency%20Evacuation%20Floor%20Plan.pdf?csf=1&web=1](https://deedyco.sharepoint.com/:b/r/sites/American_Tripoli_Seneca_MO-SafetyandEnvironmental-Private/Shared%20Documents/Safety%20and%20Environmental%20-%20Private/Emergency%20Action%20Plan/Emergency%20Evacuation%20Floor%20Plan.pdf?csf=1&web=1)

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/29 3:19 PM  
Jordan Tidaback i can't find the originals for the mill evacuation maps. i was wondering if you knew where i could or if i would have to create some new mill evacuation maps.

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/28 2:53 PM  
good timing then.

**ATMO Safety** | You, Don, John, 12

JS John Spears 3/28 1:59 PM  
Russell Tidaback Perfect, we probably need to get that done asap. Yep. They're due again here in April.

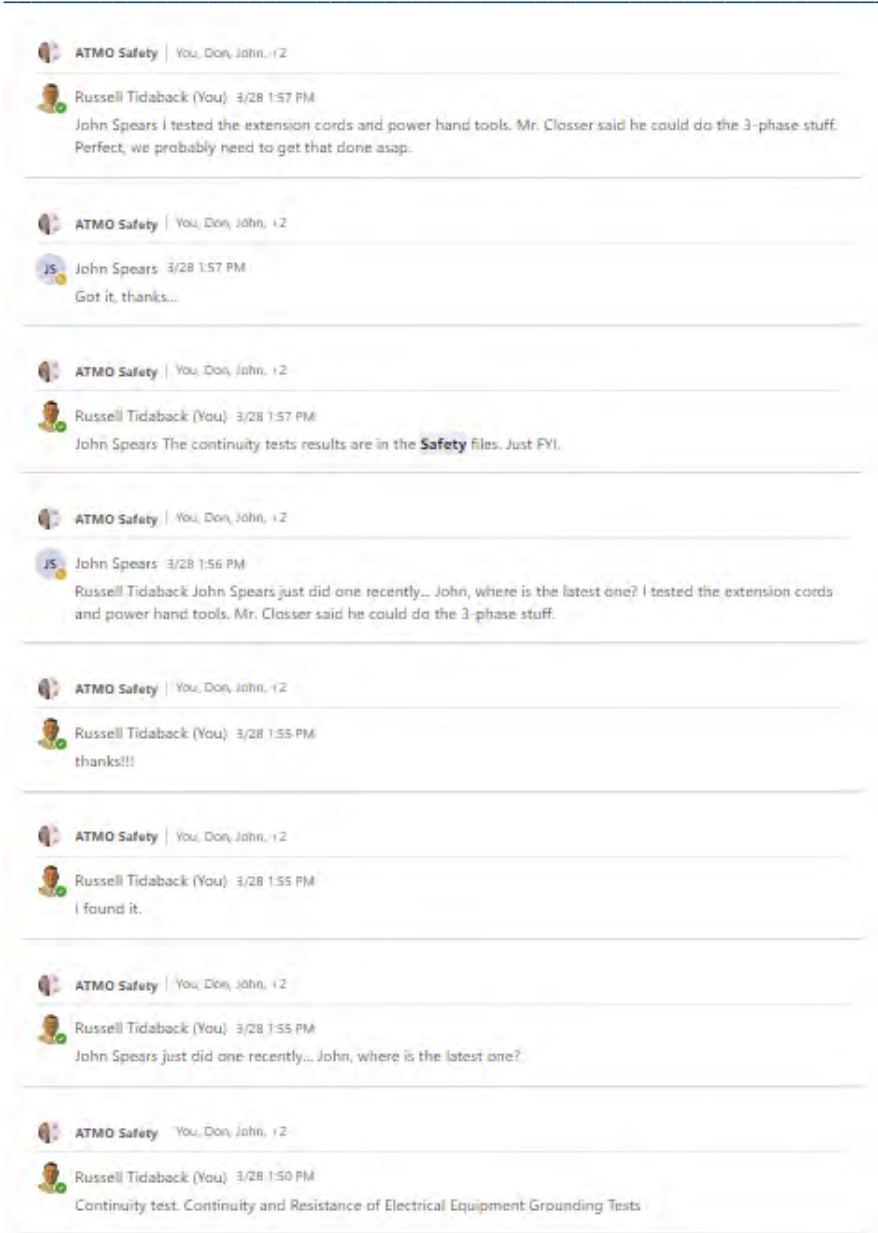


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**ATMO Safety** | You, Don, John, 12

Jessie Molesi 3/28 1:22 PM

Do you know where i can find the list for the electrical systems grounding test?

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/28 1:16 PM

Yep, with a 150+ year old company, believe me, it will happen more than once. This is why it is best to create a paper trail when working with a govt agency. Dont be suprised 6 months down the road, you receive an email stating they need an update on the stormwater permit application.

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 3/28 1:08 PM

Copy that they sent me through the ringer and checked everywhere including old systems and found nothing...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/28 1:07 PM

No worries. If you called OK and they cant find a permit, they wont be coming to look for one.

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 3/28 1:06 PM

Ok all I could find was the Missouri no exposure certification for the mill. Can't find any previous storm water certificates for OK. May be looking in the wrong places. 🤔...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/28 1:05 PM

I assume that at one time, MO & OK required one but that requirement faded away. Yes, as long as we have the certificate just in case we get asked.

**ATMO Safety** | You, Don, John, 12

Jessie Molesi 3/28 1:04 PM

Okay so can I take that off the reporting schedule since we don't need a storm water permit there...

**ATMO Safety** | You, Don, John, 12

Russell Tidaback (You) 3/28 1:03 PM

And since we do not generate any type of waste... MO states we do not need one...

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- ATMO Safety** | You, Don, John, 12
- JM** Jessie Molesi 3/28 12:20 PM  
I updated the reporting schedule with the information on the No Exposure Certification and i found the certificate and we have till 02/14/2027 until it has to be renewed.
- ATMO Safety** | You, Don, John, 12
- R** Russell Tidaback (You) 3/28 11:51 AM  
for Missouri...
- ATMO Safety** | You, Don, John, 12
- R** Russell Tidaback (You) 3/28 11:50 AM  
If you look through the documents, the last **safety** tech chased this down and found that we do not have to have a stormwater permit... the document should be in the files.
- ATMO Safety** | You, Don, John, 12
- JM** Jessie Molesi 3/28 11:48 AM  
Thank you again...
- ATMO Safety** | You, Don, John, 12
- J** Jordan Tidaback 3/28 11:48 AM  
Stormwater Permitting - Oklahoma Department of Environmental Quality
- ATMO Safety** | You, Don, John, 12
- J** Jordan Tidaback 3/28 11:47 AM  
The agency says ODEQ (Oklahoma Dept of Environmental Quality), so I assume that's for the quarry. It may be a similar situation to the mill... This has been replaced with the No Exposure Certification (MONX00844), which has to be renewed every 5 years proving we don't have anything that would expose stormwater to...
- ATMO Safety** | You, Don, John, 12
- JM** Jessie Molesi 3/28 11:41 AM  
I was just looking at the one on the reporting schedule...
- ATMO Safety** | You, Don, John, 12
- J** Jordan Tidaback 3/28 11:40 AM  
Was that for Oklahoma? I know the MQ one was good.



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**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 3/28 11:38 AM

Sorry to bother it shows that the storm water permit hasn't been permitted since September of 1995. Is that because we don't still renew it or should I work on getting that renewed so we are good for 5 years...

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 3/28 10:49 AM

Biggest thing is to get on the state dept good side with keeping us in good standing.

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 3/28 10:48 AM

oh, no worries.

**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 3/28 10:48 AM

Thank you i asked to early and just found that as soon as i asked..

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 3/28 10:47 AM

sure, for Missouri, Boiler & Pressure Vessel **Safety** | Fire **Safety** | Missouri Department of Public **Safety** (mo.gov)

**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 3/28 10:40 AM

No not familiar with the inspection do you possibly know where I could find it?

**ATMO Safety** | You, Don, John, i 2

**Russell Tidaback (You)** 3/28 10:39 AM

Nice... then yes. Ask John, what is needed to hook up the other air tank before scheduling. This way we aren't having an empty tank sitting there and the inspector possibly need to come back. Are you familiar with the inspection? What they look for etc? If not, read up on it so we can be ahead of the inspector.

**ATMO Safety** | You, Don, John, i 2

**JM** Jessie Molesi 3/28 10:36 AM

Yes sir i checked with the office she said we were due November of 2022.

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**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:35 AM

Yes, after it's confirmed when an inspection is due. If not due, no need to schedule an appt.

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 10:35 AM

Ok copy that but just wanted to confirm that i'm good to set up an appointment.

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:33 AM

Invoices need to be given to John.

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:33 AM

Look for the the last pressure vessel/ tank inspection.

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 10:32 AM

I contacted the department of fire **safety** and got them to update their contacts to me and John Spears. I'm about to call the travelling inspector to set up an appointment for the pressure vessel inspection. I wanted to make sure that is fine before i call...

**ATMO Safety** | You, Don, John, +2

**Russell Tidaback (You)** 3/28 10:19 AM

Jessie Molesi I just sent you an email regarding Norman Zeman from MSHA. He is very helpful and is a good person to work with. FYI, we are in the process of having MSHA recategorize us into a Part 46 since it is more inline with what our product is an what we do. There is more to it and will explain more in details as...

**ATMO Safety** | You, Don, John, +2

**Jordan Tidaback** 3/28 9:33 AM

Happy to help! If you have questions on it, let us know. John will be doing most of the reporting from what it looks like...

**ATMO Safety** | You, Don, John, +2

**JM** Jessie Molesi 3/28 9:29 AM

I believe so. Thank you soo much and I feel bad because I'm pretty sure I came across that at some point and didn't process it so thank you again.

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ATMO Safety | You, Don, John, 12

Jordan Tidaback 3/28 9:27 AM

Reporting Schedule Requirements.xlsx Hi Jessie - was it this? Reporting Schedule Requirements.xlsx

Reporting Schedule ...  
American\_Tripoli\_Seneca2...

ATMO Safety | You, Don, John, 12

JM Jessie Molesi 3/28 9:22 AM

Jordan Tidaback I saw in an old chat that you had sent an annual filing dates for state and federal reports. I was wondering if that is the most updated one and what on that chart am i responsible for. I want to make sure i am doing everything i was hired to do.

ATMO Safety | You, Don, John, 12

Jordan Tidaback 3/27 3:55 PM

Russell Tidaback created it and can point us to where the data is going.

ATMO Safety | You, Don, John, 12

JM Jessie Molesi 3/27 1:52 PM

I can only see mill associate not mill lead or maintenance...

ATMO Safety | You, Don, John, 12

JM Jessie Molesi 3/27 1:51 PM

Jordan Tidaback is there a location in where I can find the workplace **safety** check that the Mill lead does. I can't see when rob does it.

ATMO Safety | You, Don, John, 12

Jordan Tidaback 3/27 12:43 PM

It's true. Each employee should have a baseline audiogram within 6 months of employment. Thereafter, once a year. We were trying to get an annual one going. I think it would make the most sense to have it done in the colder months when we can't produce due to the temperature being below 35 degrees.

ATMO Safety | You, Don, John, 12

JM Jessie Molesi 3/27 12:40 PM

Jordan Tidaback I am editing the **safety** program and I see a section that says we offer and audio gram as part of the annual physical is that true or can I take it out?

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**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/24 5:12 PM  
You're very welcome!

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/24 5:08 PM  
Thank you so much...

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/24 5:04 PM  
New Task Training 5000-23 Guidance.pdf These are the spots (in red) on the 5000-23 sheet that the MSHA inspector told me to fill out for tasks trainings. If...

New Task Training 500... ---

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/24 2:48 PM  
Yes I did see it from John's desk and I always love help...

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/24 2:47 PM  
Did you see the 5000-23 book yesterday and the task trainings in it? The MSHA inspector recently showed me how to fill it out. I can show you, if needed.

**ATMO Safety** | You, Don, John, 12

JM Jessie Molesi 3/24 2:45 PM  
Of course just want to stay productive...

**ATMO Safety** | You, Don, John, 12

Jordan Tidaback 3/24 2:44 PM  
Great, thank you!

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**ATMO Safety** | You, Don, John, 12

**Jordan Tidaback** 3/28 9:27 AM

Reporting Schedule Requirements.xlsx Hi Jessie - was it this? Reporting Schedule Requirements.xlsx

**Reporting Schedule** ...  
American\_Tripoli\_Seneca...

**ATMO Safety** | You, Don, John, 12

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
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 **ATMO Safety** | You, Don, John, + 2


 Jordan Tidaback 3/24 5:12 PM  
You're very welcome!


 **ATMO Safety** | You, Don, John, + 2


 Jessie Molesi 3/24 5:08 PM  
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 New Task Training 500... ---


 **ATMO Safety** | You, Don, John, + 2


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Yes I did see it from John's desk and I always love help...


 **ATMO Safety** | You, Don, John, + 2

 Jordan Tidaback 3/24 2:47 PM  
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 **ATMO Safety** | You, Don, John, + 2

 Jessie Molesi 3/24 2:45 PM  
Of course just want to stay productive...

 **ATMO Safety** | You, Don, John, + 2

 Jordan Tidaback 3/24 2:44 PM  
Great, thank you!

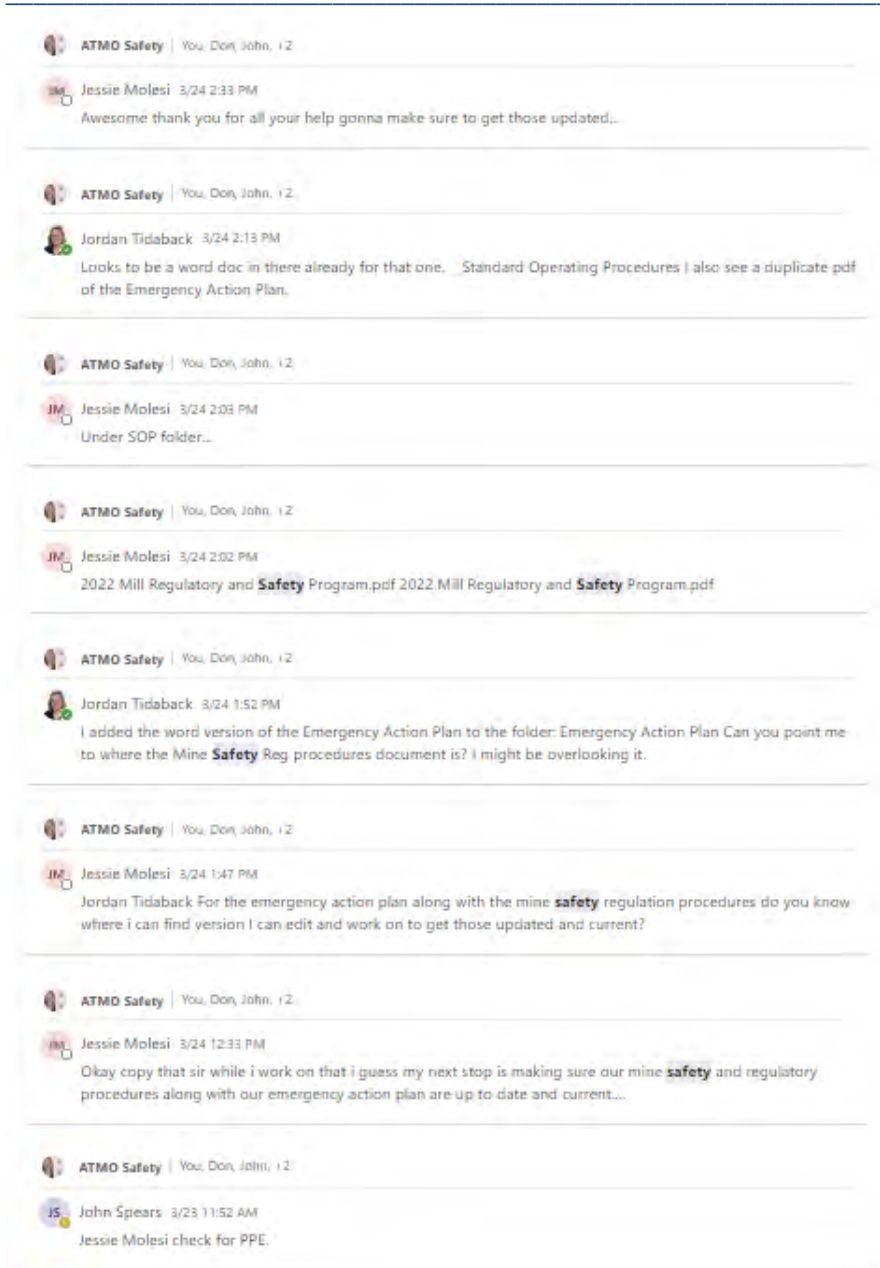
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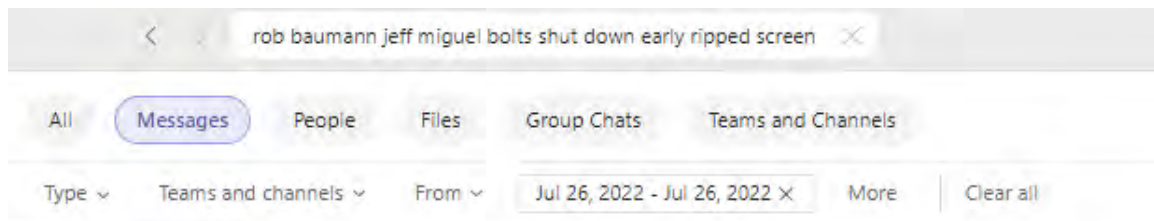


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Produce all Teams chats from the following dates containing the following topics:

- July 26, 2022: Rob, Baumann, Jeff, Miguel, bolts, shut down, early, ripped, screen



We couldn't find any results for 'rob baumann jeff miguel bolts shut down early ripped screen' with the applied filters.



**Mailing Address:**

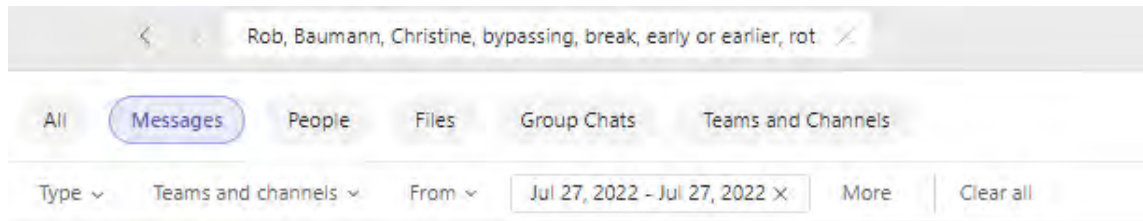
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- July 27, 2022: Rob, Baumann, Christine, bypassing, break, early or earlier, rotating or rotated, dust exposure or dust, bulk bags



We couldn't find any results for 'Rob, Baumann, Christine, bypassing, break, early or earlier, rotating or rotated, dust exposure or dust, bulk bags' with the applied filters.

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- August 1, 2022: Rob, Baumann, replace, Christine

< Rob, Baumann, replace, Christine >

All Messages People Files Group Chats Teams and Channels

Type Teams and channels From Aug 1, 2022 - Aug 1, 2022 More Clear all



We couldn't find any results for 'Rob, Baumann, replace, Christine' with the applied filters.



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- August 5, 2022: Rob, Baumann, Jessie, help

< Rob, Baumann, Jessie, help X

All Messages People Files Group Chats Teams and Channels

Type ▾ Teams and channels ▾ From ▾ Aug 5, 2022 - Aug 5, 2022 X More Clear all



We couldn't find any results for 'Rob, Baumann, Jessie, help' with the applied filters.

**Mailing Address:**

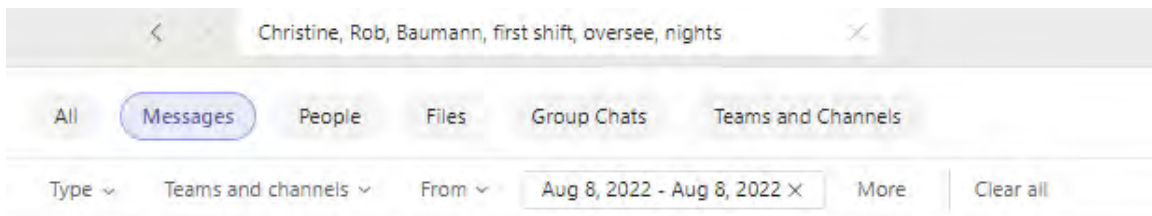
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- August 8, 2022: Christine, Rob, Baumann, first shift, oversee, nights



We couldn't find any results for 'Christine, Rob, Baumann, first shift, oversee, nights' with the applied filters.

**Mailing Address:**

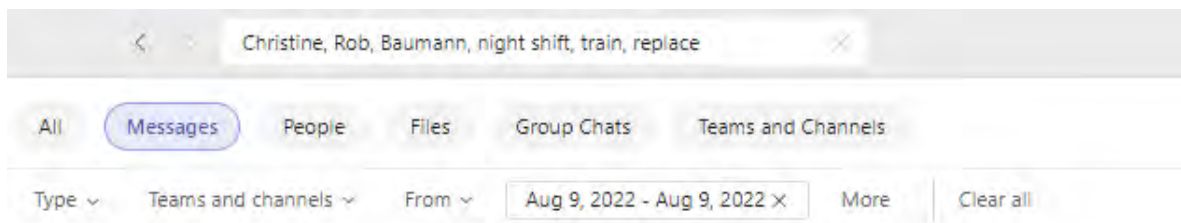
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- o August 9, 2022: Christine, Rob, Baumann, night shift, train, replace



We couldn't find any results for 'Christine, Rob, Baumann, night shift, train, replace' with the applied filters.

**Mailing Address:**

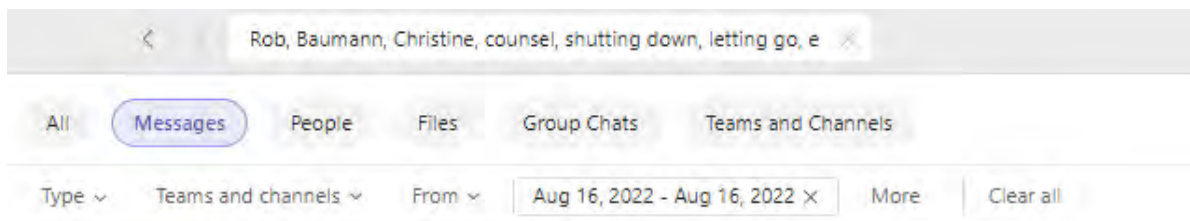
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- August 16, 2022: Rob, Baumann, Christine, counsel, shutting down, letting go, earlier or early



**We couldn't find any results for 'Rob, Baumann, Christine, counsel, shutting down, letting go, earlier or early' with the applied filters.**

**Mailing Address:**

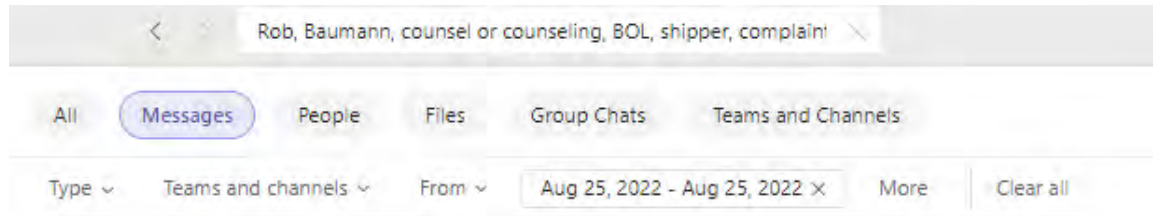
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- August 25, 2022: Rob, Baumann, counsel or counseling, BOL, shipper, complaint or complain



We couldn't find any results for 'Rob, Baumann, counsel or counseling, BOL, shipper, complaint or complain' with the applied filters.



**Mailing Address:**

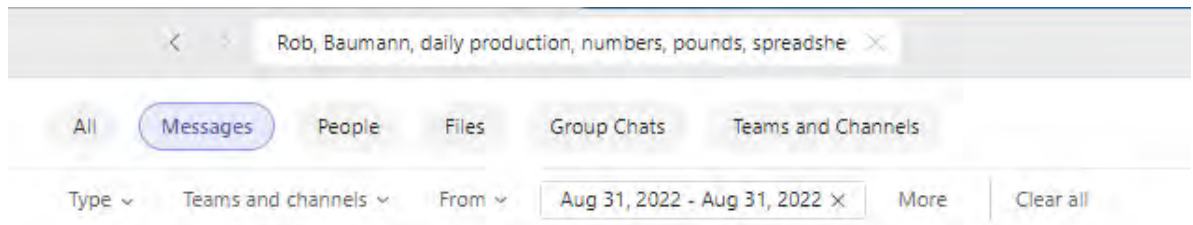
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- August 31, 2022: Rob, Baumann, daily production, numbers, pounds, spreadsheet, log in



We couldn't find any results for 'Rob, Baumann, daily production, numbers, pounds, spreadsheet, log in' with the applied filters.



**Mailing Address:**

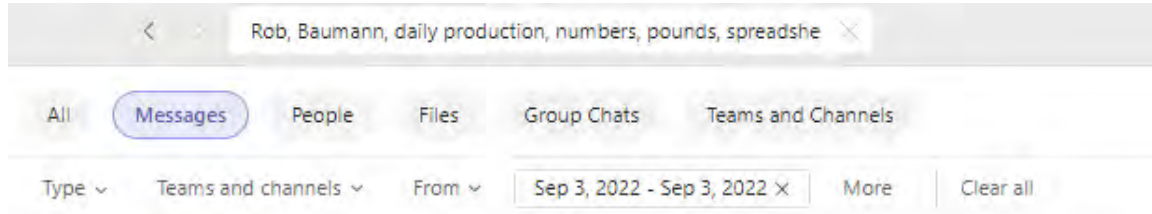
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- September 3, 2022: Rob, Baumann, daily production, numbers, pounds, spreadsheet



We couldn't find any results for 'Rob, Baumann, daily production, numbers, pounds, spreadsheet' with the applied filters.

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- September 28, 2022: Rob, Baumann, CILAS, reports

< >

Rob, Baumann, CILAS, reports

×

All

Messages

People

Files

Group Chats

Teams and Channels

Type ▾

Teams and channels ▾

From ▾

Sep 28, 2022 - Sep 28, 2022 ×

More

Clear all

ATMO - Operations You, Don, Gwen, +4

Russell Tidaback (You) 9/28/22 9:54 AM

Hi everyone. Just to give everyone a little insight as to why the **CILAS reports** are important for us to generate and keep accurately....There have been times where a customer states that the material is different and caused damage to their machines. This is where the **CILAS reports** come into play....We need to keep the **CILAS**...

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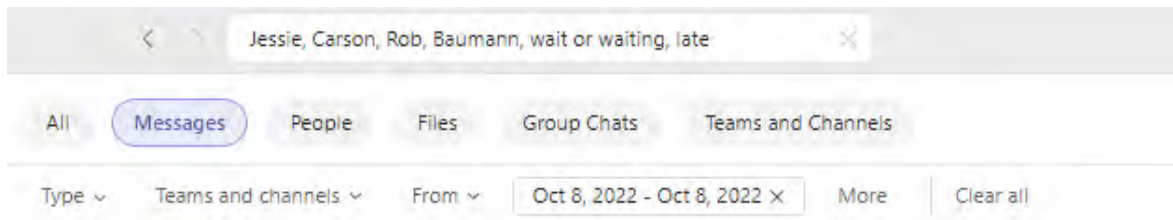
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- October 8, 2022: Jessie, Carson, Rob, Baumann, wait or waiting, late



We couldn't find any results for 'Jessie, Carson, Rob, Baumann, wait or waiting, late' with the applied filters.

**Mailing Address:**

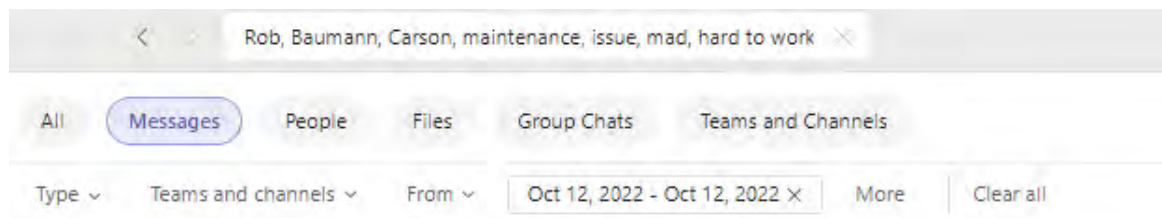
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- October 12, 2022: Rob, Baumann, Carson, maintenance, issue, mad, hard to work with, angry, combative



We couldn't find any results for 'Rob, Baumann, Carson, maintenance, issue, mad, hard to work with, angry, combative' with the applied filters.

**Mailing Address:**

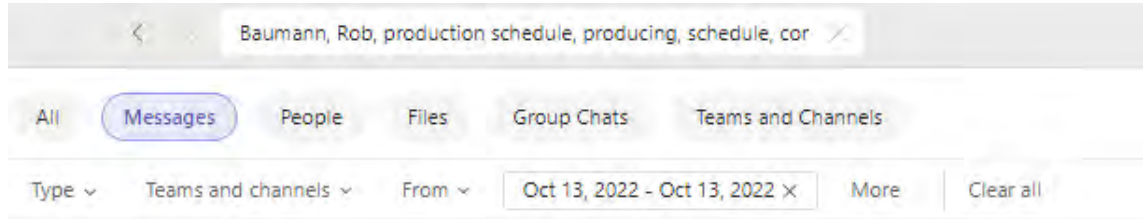
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- October 13, 2022: Baumann, Rob, production schedule, producing, schedule, computer, phone, computer work



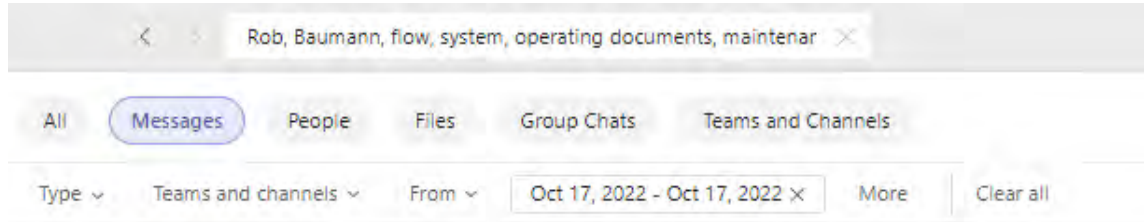
We couldn't find any results for 'Baumann, Rob, production schedule, producing, schedule, computer, phone, computer work' with the applied filters.

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- October 17, 2022: Rob, Baumann, flow, system, operating documents, maintenance team, files



We couldn't find any results for 'Rob, Baumann, flow, system, operating documents, maintenance team, files' with the applied filters.

**Mailing Address:**

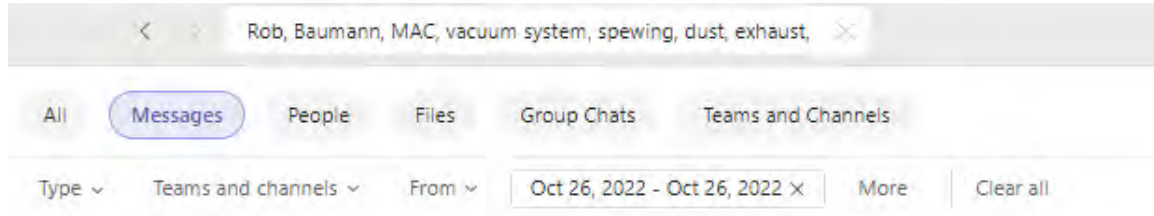
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- October 26, 2022: Rob, Baumann, MAC, vacuum system, spewing, dust, exhaust, shut down, DEQ



We couldn't find any results for 'Rob, Baumann, MAC, vacuum system, spewing, dust, exhaust, shut down, DEQ' with the applied filters.

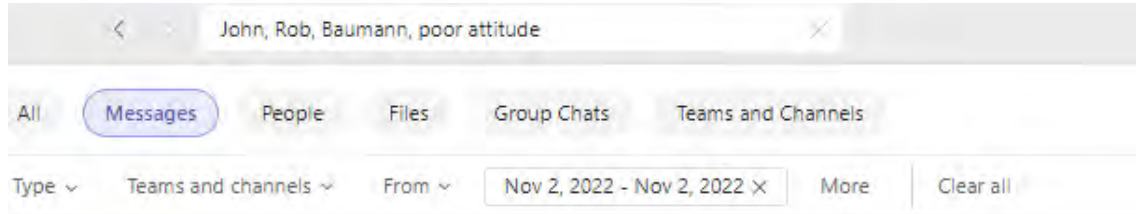


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- November 2, 2022: John, Rob, Baumann, poor attitude



We couldn't find any results for 'John, Rob, Baumann, poor attitude' with the applied filters.

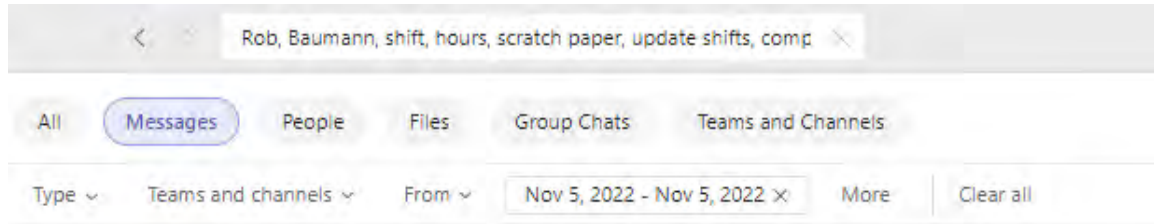


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Seneca, MO 64865  
Office (239) 829-5457

- November 5, 2022: Rob, Baumann, shift, hours, scratch paper, update shifts, computer, phone



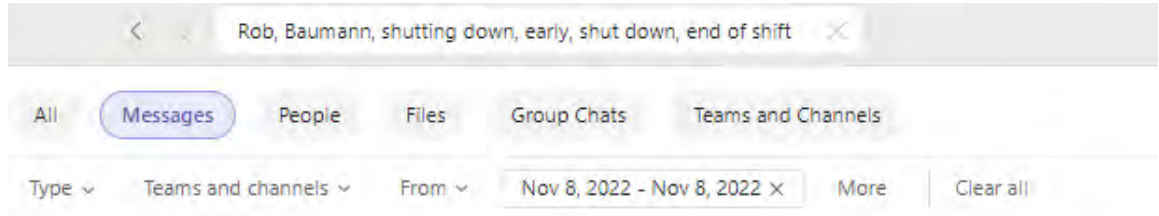
We couldn't find any results for 'Rob, Baumann, shift, hours, scratch paper, update shifts, computer, phone' with the applied filters.

**Mailing Address:**  
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**  
5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- November 8, 2022: Rob, Baumann, shutting down, early, shut down, end of shift



We couldn't find any results for 'Rob, Baumann, shutting down, early, shut down, end of shift' with the applied filters.

**Mailing Address:**

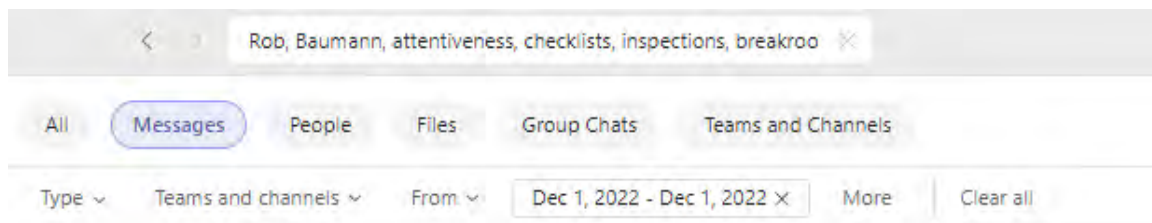
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- o December 1, 2022: Rob, Baumann, attentiveness, checklists, inspections, breakroom, mess or disaster or disgusting, production floor, circuit breaker



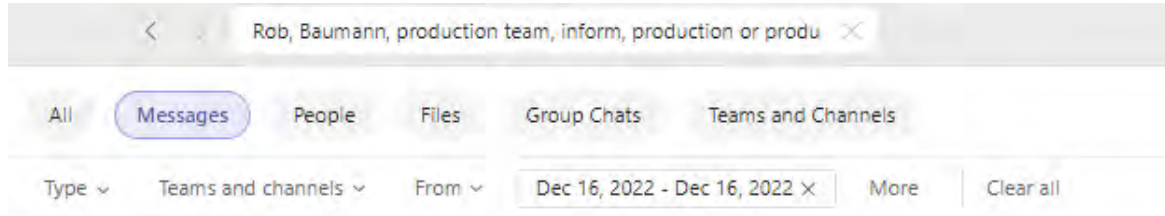
**We couldn't find any results for 'Rob, Baumann, attentiveness, checklists, inspections, breakroom, mess or disaster or disgusting, production floor, circuit breaker' with the applied filters.**

**Mailing Address:**  
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



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5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- o December 16, 2022: Rob, Baumann, production team, inform, production or produce, team members



We couldn't find any results for 'Rob, Baumann, production team, inform, production or produce, team members' with the applied filters.

**Mailing Address:**

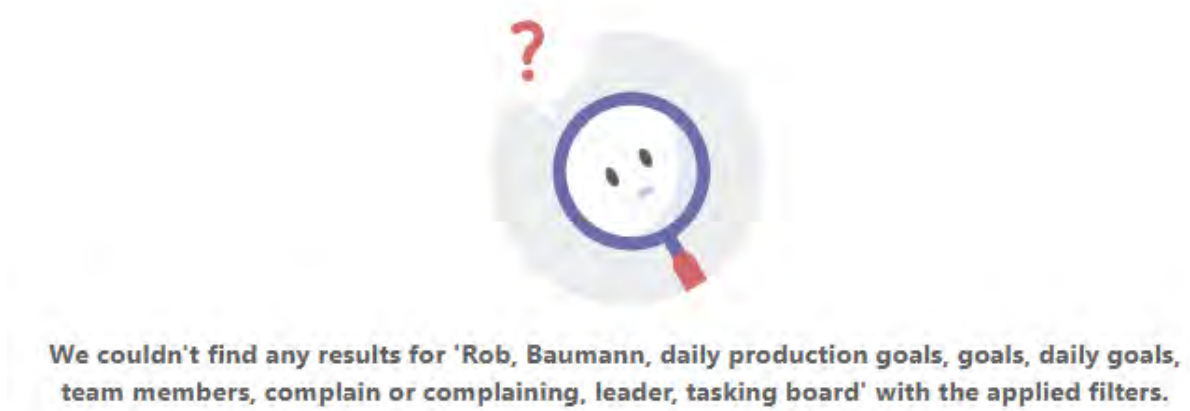
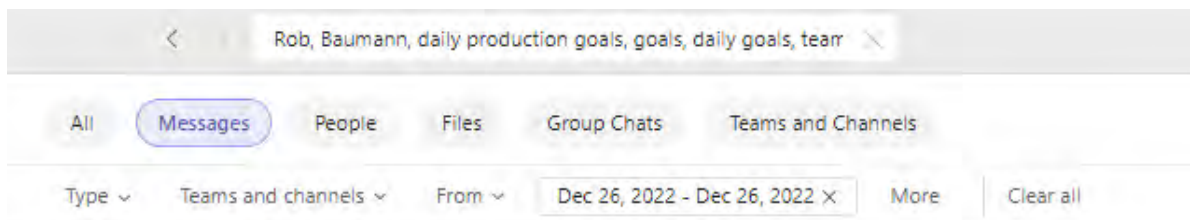
2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- o December 26, 2022: Rob, Baumann, daily production goals, goals, daily goals, team members, complain or complaining, leader, tasking board



**Mailing Address:**

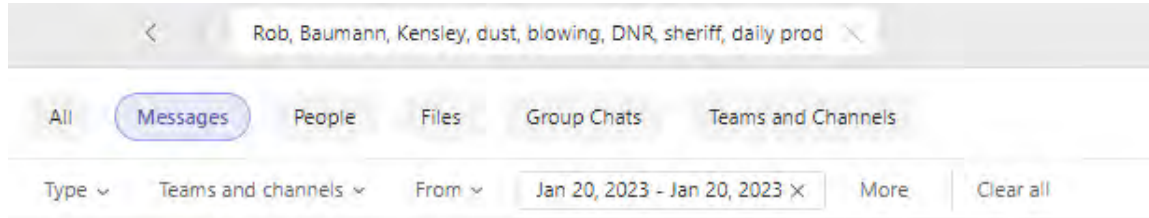
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- January 20, 2023: Rob, Baumann, Kensley, dust, blowing, DNR, sheriff, daily production, worksheet



**We couldn't find any results for 'Rob, Baumann, Kensley, dust, blowing, DNR, sheriff, daily production, worksheet' with the applied filters.**

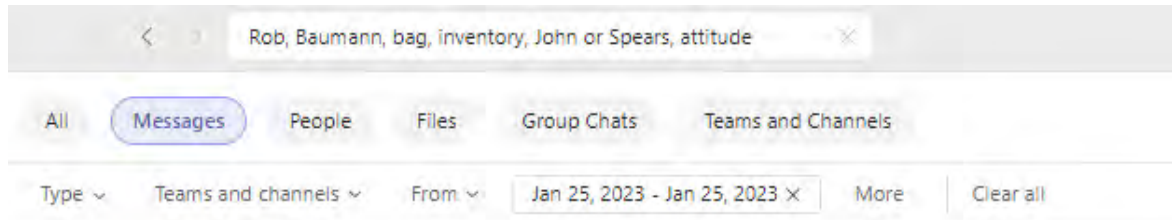


**Mailing Address:**  
2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**  
5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- o January 25, 2023: Rob, Baumann, bag, inventory, John or Spears, attitude



We couldn't find any results for 'Rob, Baumann, bag, inventory, John or Spears, attitude '  
with the applied filters.

**Mailing Address:**  
2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**  
5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- o February 28, 2023: Rob, Baumann, task board, paid, working, not working

< Rob, Baumann, task board, paid, working, not working

All Messages People Files Group Chats Teams and Channels

Type Teams and channels From Feb 28, 2023 - Feb 28, 2023 More Clear all



We couldn't find any results for 'Rob, Baumann, task board, paid, working, not working' with the applied filters.



**Mailing Address:**

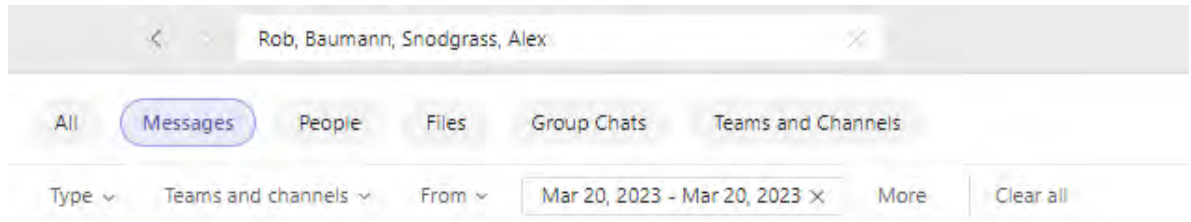
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- o March 20, 2023: Rob, Baumann, Snodgrass, Alex



We couldn't find any results for 'Rob, Baumann, Snodgrass, Alex' with the applied filters.

**Mailing Address:**

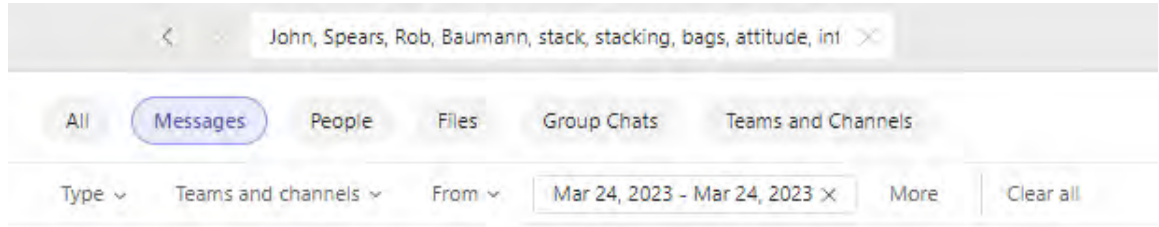
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- March 24, 2023: John, Spears, Rob, Baumann, stack, stacking, bags, attitude, infectious, Alex, Snodgrass, performance, issues



We couldn't find any results for 'John, Spears, Rob, Baumann, stack, stacking, bags, attitude, infectious, Alex, Snodgrass, performance, issues' with the applied filters.

**Mailing Address:**  
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**  
5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- March 30, 2023: ATMO, safety discussion, Rob, Baumann, Jessie, tasks, enforce or enforced

ATMO, safety discussion, Rob, Baumann, Jessie, tasks, enforce

All Messages People Files Group Chats Teams and Channels

Type Teams and channels From Mar 30, 2023 - Mar 30, 2023 More Clear all



We couldn't find any results for 'ATMO, safety discussion, Rob, Baumann, Jessie, tasks, enforce or enforced' with the applied filters.

**Mailing Address:**

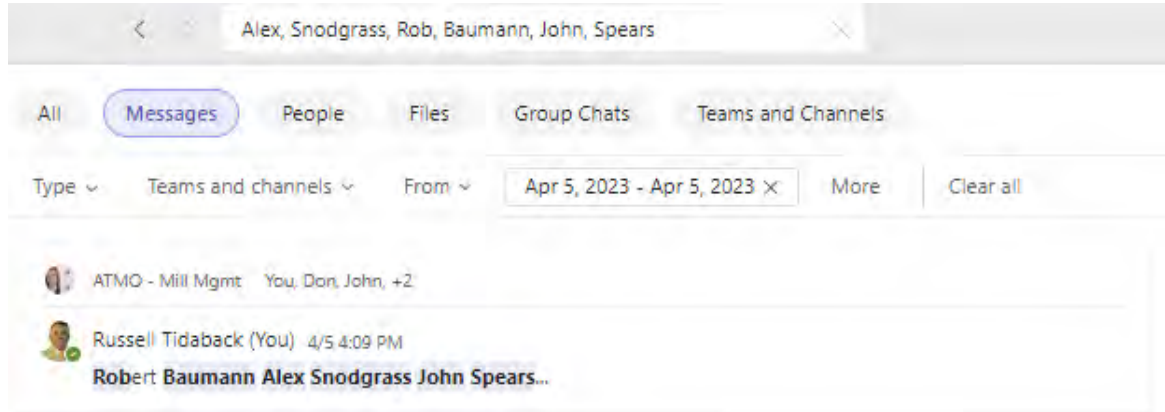
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- April 5, 2023: Alex, Snodgrass, Rob, Baumann, John, Spears



**Mailing Address:**

2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- April 7, 2023: Rob, Baumann, John, Spears, Jordan, Tidaback, fire, terminate, let go, letting go

< Rob, Baumann, John, Spears, Jordan, Tidaback, fire, terminate, ✕

All Messages People Files Group Chats Teams and Channels

Type ▾ Teams and channels ▾ From ▾ Apr 7, 2023 - Apr 7, 2023 ✕ More Clear all



We couldn't find any results for 'Rob, Baumann, John, Spears, Jordan, Tidaback, fire, terminate, let go, letting go' with the applied filters.

**Mailing Address:**

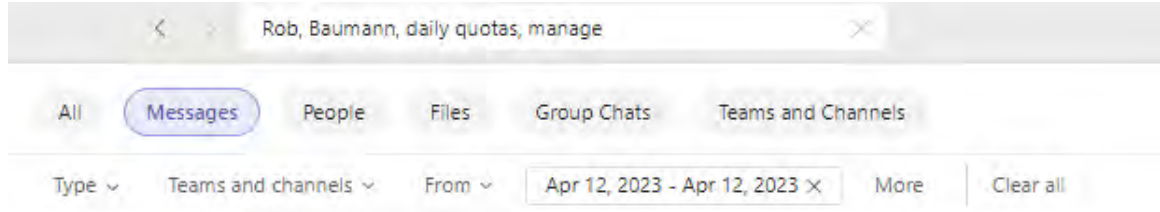
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- April 12, 2023: Rob, Baumann, daily quotas, manage



We couldn't find any results for 'Rob, Baumann, daily quotas, manage' with the applied filters.

**Mailing Address:**

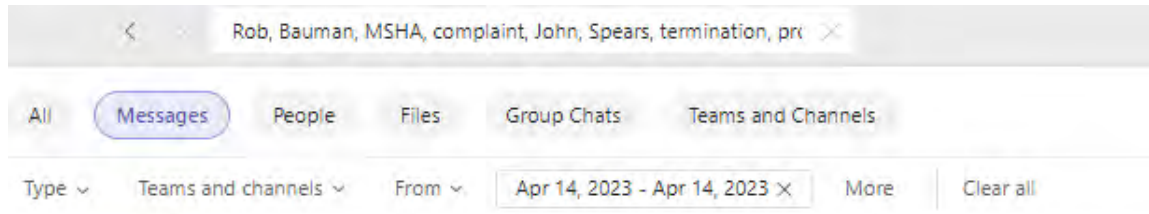
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- April 14, 2023: Rob, Bauman, MSHA, complaint, John, Spears, termination, production, performance, guidance, safety, termination letter



We couldn't find any results for 'Rob, Bauman, MSHA, complaint, John, Spears, termination, production, performance, guidance, safety, termination letter' with the applied filters.



**Mailing Address:**

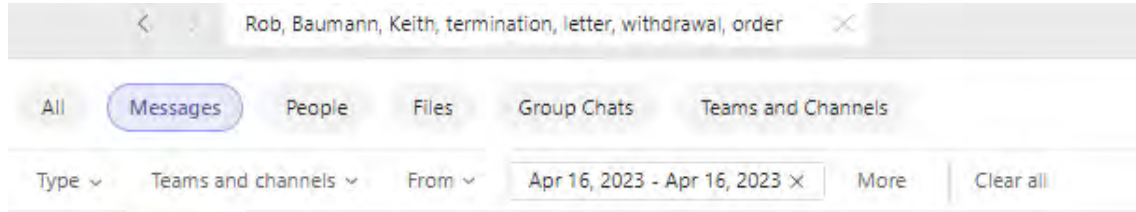
2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

- April 16, 2023: Rob, Baumann, Keith, termination, letter, withdrawal, order



We couldn't find any results for 'Rob, Baumann, Keith, termination, letter, withdrawal, order' with the applied filters.



## Mill Group Chat

February 1

John Spears I uploaded the new BOL for S... by Julie Ann Cureg  
Julie Ann Cureg  
2/1 9:58 AM

John

Spears  
I uploaded the new BOL for SO-540 to its folder.  
Begin Reference, John Spears I uploaded the... by John Spears  
John Spears  
2/1 10:03 AM

Julie Ann Cureg 2/1/2023, 9:58 AM  
John Spears I uploaded the new BOL for SO-540 to its folder.  
Thank you. Waiting for the new one to load. Still seeing the one from 6 days ago. I'll do the F5 refresh.



1 Like reaction.  
1

Let me know if you need help by Julie Ann Cureg  
Julie Ann Cureg  
2/1 10:14 AM

Let me know if you need help  
Thank you. by John Spears  
John Spears  
2/1 10:15 AM

Thank you.



1 Heart reaction.  
1

John Spears I just uploaded shipping lab... by Julie Ann Cureg  
Julie Ann Cureg  
2/1 11:15 AM


John

Spears  
I just uploaded shipping labels and a new BOL for SO-546 to its folder.

**Exhibit 4**


Exhibit P-43, Page 588






Ok. by John Spears  
John Spears  
2/1 11:20 AM







Ok.  
  
1 Like reaction.  
1

February 2

SO-546 by John Spears  
John Spears  
2/2 2:54 PM

SO-546  
  
1 Like reaction.  
1

Begin Reference,      SO-546, John Spe... by Unknown User  
Unknown User  
2/2 3:05 PM

John Spears2/2/2023, 2:54 PM  
     SO-546  
Julie Ann Cureg  
  
1 Like reaction.  
1

February 3

Robert Baumann John Spearscan I hav... by Julie Ann Cureg  
Julie Ann Cureg  
2/3 9:44 AM

**Exhibit 4**

Exhibit P-43, Page 589

Robert

Baumann

John

Spears

can I have the scanned signed BOL for SO-546? Thank you!

Sure thing. by John Spears

John Spears

2/3 12:00 PM

Sure thing.



3 Like reactions.

3

Selected photo Selected photo Selected phot... by Unknown User

Unknown User

2/3 1:40 PM

SO-540

Julie Ann Cureg



1 Like reaction.

1

February 6

Robert Baumann John Spears Per the ... by Russell Tidaback

2/6 7:49 AM

Russell Tidaback

Robert

Baumann

John

## Exhibit 4

Spears

Per the Schedule



1 Heart reaction.

1

Good Morning Gentlemen. The goal today woul... by Russell Tidaback

2/6 7:50 AM

Russell Tidaback

Good Morning Gentlemen. The goal today would be to complete this order and start on the next one.



Russell Tidaback Trying to get the comp... by John Spears

John Spears

2/6 9:00 AM

**Russell**

**Tidaback**

Trying to get the compressor to fire up.Gage is working.

Selected photo Selected photo Selected phot... by Unknown User

Unknown User

2/6 12:42 PM

**Exhibit 4**

Exhibit P-43, Page 591

SO-520 SO-527  
Julie Ann Cureg



1 Like reaction.  
1

February 9

SO-411 Julie Ann Cureg by John Spears  
John Spears  
2/9 1:42 PM

SO-411  
Julie Ann Cureg



1 Like reaction.  
1

SO-554 Julie Ann Cureg by John Spears  
John Spears

**Exhibit 4**

Exhibit P-43, Page 592

2/9 1:54 PM

SO-554  
Julie Ann Cureg



1 Like reaction.

1

February 10

Julie Ann Cureg SO-438 by John Spears  
John Spears  
2/10 8:57 AM

**Exhibit 4**

Exhibit P-43, Page 593

Julie Ann Cureg  
SO-438



1 Like reaction.  
1

Still having issues with bagger so we are c... by Unknown User  
Unknown User  
2/10 9:21 AM

Still having issues with bagger so we are currently running bulk bags  
Selected photo We will continue to run bu... by Unknown User  
Unknown User  
2/10 11:06 AM

We will continue to run bulk bags while  
Gage Wheeler  
works on the bagger we are losing to much product trying to bag 100 pounders not very feasible  
A yellow thumbs up emoji with a red outline, indicating a 'like' reaction.  
1 Like reaction.  
1

February 14  
Selected photo Selected photo Selected phot... by Unknown User  
Unknown User  
2/14 1:12 PM  
Edited

21 bags of ogr SO-290-A

Julie Ann Cureg



2 Like reactions.

2

Selected photo Selected photo Selected phot... by Unknown User

Unknown User

2/14 4:07 PM

Edited

SO-555

Julie Ann Cureg



1 Like reaction.

1

February 15

Guys, don't sweat the MSHA inspection... as... by Russell Tidaback

2/15 2:24 PM

Russell Tidaback

Guys, don't sweat the MSHA inspection... as we have always stated they are just doing their job.  
Legit citations will be fixed for the guidance we have to follow.

## Exhibit 4

Exhibit P-43, Page 595



The biggest thing to remember is be safe. Guarding must be in place for everyone's safety.

The other stuff we will deal with one by one. Just keep doing your best to make things happen.

This is just another hurdle that we will get through.

Once the inspection is completed and we have a list of what we need to address, let's knock it out so we can get back to producing.

Don't let this inspection get you down.

As you know, this isn't the first cluster f#ck we have had to address from the previous ownership lack of. But guys... this is why MSHA has to do what... by Russell Tidaback

2/15 4:25 PM

Russell Tidaback

But guys... this is why MSHA has to do what they do...PLEASE BE CAREFUL WHEN WORKING!

MINE FATALITY – On January 30, 2023, a miner died while troubleshooting a belt conveyor when he fell through a 37-inch-long by 34-inch-wide hole created by the removal of a section of grating. The miner fell approximately 35 feet from the catwalk to the ground below.

<https://www.msha.gov/data-reports/fatality-reports/2023/january-30-2023-fatality/fatality-alert>

February 16

Probably another reason why this MSHA inspe... by Russell Tidaback

2/16 11:12 AM

Russell Tidaback

Probably another reason why this MSHA inspector is here...

February 20

Captured photo Captured photo Captured phot... by Unknown User

Unknown User

2/20 3:04 PM

Edited

SO-435

Julie Ann Cureg

21 bags of dgr



2 Like reactions.

2

February 28

Whoever does the daily forklift inspection,... by Russell Tidaback

2/28 7:56 AM

Russell Tidaback

Whoever does the daily forklift inspection, please note that the electric forklift was not plugged in last night.

Yes sir by Unknown User

Unknown User

2/28 8:38 AM

Yes sir

Robert Baumann can you get someone who has ... by Russell Tidaback

2/28 9:55 AM

Russell Tidaback

Robert Baumann can you get someone who has been up on the catwalk on the outside elevator and remove the guarding so it can be repaired?

They will need a harness.

March 1

#28 - East Maint. Elec. Box Change Truck... by John Spears

John Spears

3/1 9:14 AM

#28 - East Maint. Elec. Box

Change Truck #61 to #62

Change Truck #60 to Extinguisher #30

Change "Old Truck garage " to "Warehouse A"

Just making notes and didn't want to lose t... by John Spears

John Spears

3/1 9:14 AM

Just making notes and didn't want to lose them.

The mill is firing up. The outside flour e... by John Spears

John Spears

3/1 10:40 AM

**Exhibit 4**

Exhibit P-43, Page 597

The mill is firing up. The outside flour elevator bangs and clanks but is operational.  
We have 28 -40by48 pallets left John Spear... by Unknown User  
Unknown User  
3/1 11:35 AM

We have 28 -40by48 pallets left  
John Spears

**Russell Tidaback**

Begin Reference, We have 28 -40by48 pallets... by John Spears  
John Spears  
3/1 11:37 AM

Unknown User3/1/2023, 11:35 AM  
We have 28 -40by48 pallets left John Spears Russell Tidaback  
Ok. Thanks.


March 2




Julie Ann Cureg SO-447 for Osborn is compl... by Jordan Tidaback  
Jordan Tidaback  
3/2 8:50 AM

Julie Ann Cureg  
SO-447 for Osborn is complete.



1 Like reaction.  
1

Begin Reference,   ... by Julie Ann Cureg  
Julie Ann Cureg  
3/2 10:50 AM

Unknown User2/14/2023, 4:07 PM  
   SO-555 Julie Ann Cureg  
Hi  
Robert

Baumann

Do you have any other pic for SO-555 which proves that we shipped the exact number of orders? as per Collinite Corp., they only received 15 Bags out of 28 bags (750 lbs) But the BOL signed by the carrier, we shipped 1958 lbs.

We shipped what we had to collinite. Correc... by Russell Tidaback  
3/2 11:09 AM

Russell Tidaback

We shipped what we had to collinite. Correct, does the invoice match the BOL?

Begin Reference, We shipped what we had to ... by Julie Ann Cureg  
Julie Ann Cureg  
3/2 12:48 PM

**Exhibit 4**

Exhibit P-43, Page 598

Russell Tidaback3/2/2023, 11:09 AM

We shipped what we had to collinite. Correct, does the invoice match the BOL?

Yes

Russell Tidaback we are all in the break r... by Unknown User

Unknown User

3/2 12:48 PM

**Russell Tidaback**

we are all in the break room if you have time now

Robert Baumann John Spearsjust to c... by Julie Ann Cureg

Julie Ann Cureg

3/2 1:38 PM

Robert

Baumann

John

Spears

just to confirm, will the 2 bags for air shipment be on pallet?

Begin Reference, Robert Baumann John Spears... by Unknown User

Unknown User

3/2 1:54 PM

Julie Ann Cureg3/2/2023, 1:38 PM

Robert Baumann John Spears just to confirm, will the 2 bags for air shipment be on pallet?

Yes ma'am they are

Thanks! by Julie Ann Cureg

Julie Ann Cureg

3/2 1:54 PM

Thanks!

Julie Ann Cureg SO-466 has the same Cilas ... by Jordan Tidaback

Jordan Tidaback

3/2 2:38 PM

Julie Ann Cureg

SO-466 has the same Cilas Report as the last Osborn order, as the production was the same day.



1 Like reaction.

1

Jordan Tidaback added Unknown User to the chat and shared all chat history.

Jordan Tidaback

**Exhibit 4**

added  
Unknown User  
to the chat and shared all chat history.  
Hello Ronnell Fondren by John Spears  
John Spears  
3/2 2:40 PM

Hello  
Ronnell Fondren  
Begin Reference, Julie Ann Cureg SO-466 has... by Julie Ann Cureg  
Julie Ann Cureg  
3/2 2:44 PM  
Edited

Jordan Tidaback3/2/2023, 2:38 PM  
Julie Ann Cureg SO-466 has the same Cilas Report as the last Osborn order, as the production was the same day.  
Jordan

Tidaback  
SO-466 or SO-446?  
Ronnell Fondren are you still here? by John Spears  
John Spears  
3/2 4:09 PM

Ronnell Fondren are you still here?  
Ronnell Fondrenget the Genie key fromRo... by John Spears  
John Spears  
3/2 4:17 PM

Ronnell Fondrenget the Genie key from [Robert Baumann](#) and go get the come-along down. Please.  
Media by Russell Tidaback  
3/2 4:20 PM  
Russell Tidaback

John Spears were you referring to the one u... by Russell Tidaback  
3/2 4:20 PM  
Russell Tidaback  
John Spears were you referring to the one used here today?  
Yes. by John Spears  
John Spears  
3/2 4:21 PM

Yes.  
The come along that was in the genie basket... by Unknown User  
Unknown User

## Exhibit 4

Exhibit P-43, Page 600

3/2 4:21 PM

The come along that was in the genie basket has been put Away  
Begin Reference, The come along that was in... by John Spears  
John Spears  
3/2 4:22 PM

Unknown User3/2/2023, 4:21 PM  
The come along that was in the genie basket has been put Away  
Fantastic! Thanks. I didn't realize that it had been retrieved.  
Yeah I'd just put it away. That's my bad. by Unknown User  
Unknown User  
3/2 4:23 PM

Yeah I'd just put it away. That's my bad.  
March 3  
Work place exam training in the conference ... by Unknown User  
Unknown User  
3/3 7:40 AM

Work place exam training in the conference room at 8 am  
Jim Hoover

Patrick Lewis

RJ Williams

Ronnell Fondren  
Sorry it's in the Mill breakroom by Russell Tidaback  
3/3 8:08 AM  
Russell Tidaback  
Sorry it's in the Mill breakroom  
Robert Baumann John Spears this looks t... by Unknown User  
Unknown User  
3/3 9:07 AM

Robert Baumann

John Spears  
this looks to be the issue



1 Like reaction.

1

**Exhibit 4**

Exhibit P-43, Page 601

Captured photo Can we get another one of ... by Unknown User  
Unknown User  
3/3 9:33 AM

Can we get another one of these ordered and clear packing tape and a couple rolls of ductape for the mill  
plz



1 Like reaction.  
**1**

Russell Tidaback Jordan Tidaback John S... by Unknown User  
Unknown User  
3/3 10:19 AM

### **Russell Tidaback**

Jordan Tidaback

John Spears

Horton supply company in Springfield (417) 864-8584

Give them a call they keep parts in stock  
Begin Reference, 📷 Robert Baumann John Spea... by John Spears  
John Spears  
3/3 11:06 AM

Unknown User 3/3/2023, 9:07 AM  
📷 Robert Baumann John Spears this looks to be the issue  
Where is this?  
Ronnell Fondren you noted on the forklift ... by John Spears  
John Spears  
3/3 11:37 AM

Ronnell Fondren you noted on the forklift exam for the Toyota that the mast needed lubricant. Did you inform [Robert Baumann](#) that it needed to be lubed? Then we can amend the exam after the lubricant is applied. Thanks



1 Like reaction.  
**1**

Captured photo Captured photo Captured phot... by Unknown User  
Unknown User  
3/3 12:01 PM

### **Exhibit 4**

Exhibit P-43, Page 602

Julie Ann Cureg  
SO-447 21bulk bags dgr



1 Like reaction.

1

March 6

Good morning everyone. A few things for t... by Russell Tidaback

3/6 8:01 AM

Russell Tidaback

Good morning everyone.

A few things for today we need to make happen.

First thing, each person needs to do their workplace exam.

Next, [Patrick Lewis](#) and [Ronnell Fondren](#) - harness up and were going to be removing the cover and loosening the bearing caps on the classifier elevator in prep for the crane tomorrow. [John Spears](#) please be the ir ground safety and parts chaser.

[Jim Hoover](#) - I will help you work on Conduit replacement by the green monster.

[RJ Williams](#) - please collect all the power tools and electrical cords as you'll be doing continuity testing. [John Spears](#) please show RJ how to do a continuity test and has the white tape to show its been tested.

[Robert Baumann](#) please make sure the power is LOTO for the elevator scroll and green monster scroll for Jim.

Please also make sure these guys take their lunches on time and come back on time, but are also staying gainfully employed.

Once the classifier elevator is ready for tomorrow, Pat and Ron will need to go the maintenance room to learn how to do a continuity test and assist RJ. Once Jim is done, he will also go to maintenance room to assist with continuity testing. (Anything that has a 3 pronged plug all has to have a continuity test)

**Exhibit 4**



Once the continuity testing is all done, then we need to focus on cleaning out the vacuum system. And I will be working on the bagger.  
I've laid out this plan but plans may change. The weather should be nice so let's take advantage of it and get things done today. If you find yourself without something to, ask Rob, John or me and we'll task you. There is a lot that needs to be done.



1 Like reaction.

1

We'll get on it. by John Spears

John Spears

3/6 8:04 AM

We'll get on it.

Robert BaumannJohn Spears Russell Tidab... by Unknown User

Unknown User

3/6 9:19 AM

Robert Baumann [John Spears](#) [Russell Tidaback](#) [Jordan Tidaback](#)

I am on the ground to provide safety to Pat while he is up on the Cat Walk for the Elevator

Robert Baumann please come to the green mon... by Russell Tidaback

3/6 9:38 AM

Russell Tidaback

Robert Baumann please come to the green monster with the LOTO key.

Need key by Jim Hoover

Jim Hoover

3/6 9:38 AM

Need key

John Spears Robert Baumann Russell ... by Jordan Tidaback

Jordan Tidaback

3/6 10:52 AM

John

Spears

Robert

Baumann

**Russell**

**Tidaback**

I ordered 250 (48x40 Grade-B (same as last time)) Pallets from Triple R Recycling; they are to be delivered tomorrow.

**Exhibit 4**

Exhibit P-43, Page 604

Begin Reference, John Spears Robert Baumann... by John Spears  
John Spears  
3/6 10:52 AM

Jordan Tidaback3/6/2023, 10:52 AM  
John Spears Robert Baumann Russell Tidaback I ordered 250 (48x40 Grade-B (same as last time))  
Pallets from Triple R Recycling; they are to be delivered tomorrow.  
Thank you.  
Russell TidabackJohn Spears Robert Baum... by Unknown User  
Unknown User  
3/6 1:26 PM

Russell Tidaback [John Spears Robert Baumann Patrick Lewis RJ Williams Jim Hoover](#) can we get a snake  
to clean the vacuum/air system please and thank you  
Little Mac vacuum system by Unknown User  
Unknown User  
3/6 2:59 PM

Little Mac vacuum system  
Media Media Media by Unknown User  
Unknown User  
3/6 2:59 PM

March 7  
Good morning guys. Today Jim and I will w... by Russell Tidaback  
3/7 7:12 AM  
Russell Tidaback  
Good morning guys.  
Today Jim and I will work on the bagger.  
RJ and Rob please continue to work on cleaning out the vacuum system.  
John and Ron, Pat as ground safety, work on classifoer scroll bearings.  
  
Crane should be there at 8am.  
  
Rain doesn't, hopefully, show up until after 4pm today.  
  
Let's getter' done! 😊  
Early bird gets the worm. by John Spears  
John Spears

## Exhibit 4

Exhibit P-43, Page 605

3/7 7:29 AM

Early bird gets the worm.

I still want biscuits and gravy John I don't... by Unknown User

Unknown User

3/7 7:42 AM

I still want biscuits and gravy John I don't eat worms LOL



1 Laugh reaction.

1

That will do TIM that will do by Jim Hoover

Jim Hoover

3/7 7:48 AM

That will do TIM that will do

March 8

Media Media Media Media Media Media by Unknown User

Unknown User

3/8 6:23 AM

John Spears there is the pictures u asked f... by Unknown User

Unknown User

3/8 6:23 AM

John Spears there is the pictures u asked for yesterday

You are aware that it's only 6:25 lol by Unknown User

Unknown User

3/8 6:24 AM

## Exhibit 4

Exhibit P-43, Page 606

You are aware that it's only 6:25 lol



2 Laugh reactions.

2

Yup...Sleep is for the birds lol wake up ti... by Unknown User

Unknown User

3/8 6:25 AM

Yup...Sleep is for the birds lol wake up time is 0500

I've been up sir since like 5 lol. Who are ... by Unknown User

Unknown User

3/8 6:29 AM

I've been up sir since like 5 lol. Who are you telling .

Lol by Unknown User

Unknown User

3/8 6:50 AM

Lol

We'll finalize cleaning out the filter duct... by John Spears

John Spears

3/8 8:07 AM

We'll finalize cleaning out the filter duct the best we can today. The sprockets for the outside flour elevator should be here by noon today and we'll get those installed. We'll continue on the green packer as well.



1 Like reaction.

1

Begin Reference, John Spears there is the p... by John Spears

John Spears

3/8 8:08 AM

Unknown User3/8/2023, 6:23 AM

John Spears there is the pictures u asked for yesterday

Ronnell

Fondren

Thank you.

Begin Reference, We'll finalize cleaning ou... by Russell Tidaback

3/8 8:24 AM

Russell Tidaback

John Spears3/8/2023, 8:07 AM

We'll finalize cleaning out the filter duct the best we can today. The sprockets for the outside flour elevator should be here by noon today and we'll get those installed. We'll continue on the green packer...

John Spears [Robert Baumann](#)Let's not forget about the packer. It needs to be cleaned this morning.

## Exhibit 4

Exhibit P-43, Page 607

O'Jim will be back to assist in troubleshooting around 10am. I'd like [Jim Hoover](#) to assist O'Jim.

So let try and get the bagger cleaned before 10am as we talked yesterday.

The microswitch should be delivered between 8-12 today as well.

We will replace the microswitch, remove the air switch and remove the other on-off switch gage put on and see it that's it.

Fingers crossed.

Begin Reference, John Spears Robert Baumann... by John Spears

John Spears

3/8 8:26 AM

Russell Tidaback3/8/2023, 8:24 AM

John Spears Robert Baumann Let's not forget about the packer. It needs to be cleaned this morning.

O'Jim will be back to assist in troubleshooting around 10am. I'd like Jim Hoover to assist O'Jim. So let try and get the bagger cleaned before 10am as we talked yesterday. The microswitch s...

Will do.

Thanks by Russell Tidaback

3/8 8:26 AM

Russell Tidaback

Thanks

John SpearsI added the new BOL for SO-4... by Julie Ann Cureg

Julie Ann Cureg

3/8 8:30 AM

John

Spears

I added the new BOL for SO-488 to its folder (8 bags).

Begin Reference, John Spears I added the ne... by John Spears

John Spears

3/8 8:38 AM

Julie Ann Cureg3/8/2023, 8:30 AM

John Spears I added the new BOL for SO-488 to its folder (8 bags).

Thank you.We'll get it ready.



1 Like reaction.

1

Begin Reference, John Spears I added the ne... by John Spears

John Spears

3/8 8:59 AM

Julie Ann Cureg3/8/2023, 8:30 AM

John Spears I added the new BOL for SO-488 to its folder (8 bags).

## Exhibit 4

Exhibit P-43, Page 608

Is there an ETA for the SO-488 air freight pickup?  
Not yet but I messaged them already. I'll g... by Julie Ann Cureg  
Julie Ann Cureg  
3/8 9:37 AM

Not yet but I messaged them already. I'll get back to you when they reply.  
Begin Reference, Not yet but I messaged the... by John Spears  
John Spears  
3/8 9:39 AM

Julie Ann Cureg3/8/2023, 9:37 AM  
Not yet but I messaged them already. I'll get back to you when they reply.  
Fantastic.  
Russell TidabackJohn Spears Jordan Tida... by Unknown User  
Unknown User  
3/8 9:45 AM

Russell Tidaback [John Spears](#) [Jordan Tidaback](#) [Robert Baumann](#)  
We need another 100ft of air hose please and thank you  
Can we get another 100ft of air hose please... by Unknown User  
Unknown User  
3/8 9:47 AM  
Can we get another 100ft of air hose please and thank you  
Begin Reference, Russell Tidaback John Spea... by Unknown User  
Unknown User  
3/8 9:48 AM

Unknown User3/8/2023, 9:45 AM  
Russell Tidaback John Spears Jordan Tidaback Robert Baumann We need another 100ft of air hose  
please and thank you  
We have other air hoses I will find you one  
Ok by Unknown User  
Unknown User  
3/8 10:59 AM

Ok  
HiJohn Spears , I added a new BOL, Ship... by Julie Ann Cureg  
Julie Ann Cureg  
3/8 2:10 PM

Hi  
John  
  
Spears

, I added a new BOL, Shipping Label, and Pick-up order PDF to SO-488 (2 Bags Partial Order) Folder. As per the driver, please give a copy of BOL and Pick-up order to the driver. I'll just confirm the ETA and get back to you.

03/09 (tomorrow) is the pick-up date for th... by Julie Ann Cureg

Julie Ann Cureg

3/8 2:39 PM

03/09 (tomorrow) is the pick-up date for these 2 Bags. They should send ETA tomorrow before they pick it up as per the shipper.

Robert Baumann SO-446 can be dismantled an... by Russell Tidaback

3/8 3:29 PM

Russell Tidaback

Robert Baumann

SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request.

Begin Reference, Robert Baumann SO-446 can ... by John Spears

John Spears

3/8 4:19 PM

Russell Tidaback 3/8/2023, 3:29 PM

Robert Baumann SO-446 can be dismantled and put in inventory. Buyer not responding to pickup request.

Will do.

Thanks for all the work today guys! Big h... by Russell Tidaback

3/8 4:59 PM

Russell Tidaback

Thanks for all the work today guys!

Big hoorah out to [Patrick Lewis](#)... at the this moment, him and [John Spears](#) are still finishing up on the classifier elevator bearing replacement project. Making the final touches so we can produce tomorrow. THANKS [Patrick Lewis](#) AND [John Spears](#)!!!

The bagger is working again, we are still troubleshooting it to be 100% correct so the caution tape will still be up.



2 Like reactions.

2

Awesome job guys next will be the palletize... by Jim Hoover

Jim Hoover

3/8 6:40 PM

Awesome job guys next will be the palletizer and incline belt hopefully very soon in near future. RJ thanks for your help on the vacuum system and getting that hooked up today and for Lunch, I appreciated it, also Pat I already told you but I cleaned your office ☺ not as well as I could do lack of time I will work on it tmrw brother thanks for staying and helping John John this evening your awesome !!! John, you shouldn't write your graphite marks on the wall by the curve we know your the leader of the pack and we hear you roar and know your name boss but thank you for putting your me there where we won't forget it, thank you for knowledge and hard work in the Maintenance Department we would be in a bad spot if it wasn't for you. I will talk to the big cheese and try and get you a raise.. Russ thanks for

## Exhibit 4

Exhibit P-43, Page 610

getting the packer going where we can hopefully run tmrw and getting a lot of the air leaks for the moment , temporarily until we can fix them like they need to be that helped a bunch also for getting the Donaldson back to where it is firing every four seconds like it should and for your knowledge on the electrical outside on conduit it was a learning experience have good evening everyone 🙌 .



2 Like reactions.

2

"EVERYONE" did a good job today by Unknown User

Unknown User

3/8 6:55 PM

"EVERYONE" did a good job today



1 Like reaction.

1

Remember... There is no I in team, and l... by Russell Tidaback

3/8 7:04 PM

Edited

Russell Tidaback

Remember... There is no I in team, and leadership isn't a position. It's an ethical decision.

Do what is right, even when no one is watching.



2 Like reactions.

2

Exactly by Unknown User

Unknown User

3/8 7:05 PM

Exactly

Well damn I seem to be a contradiction LOL ... by Unknown User

Unknown User

3/8 7:07 PM

Well damn I seem to be a contradiction LOL or more so and oxymoron LMAO

Hows that Pat? I see you doing good. by Russell Tidaback

3/8 7:09 PM

Russell Tidaback

Hows that Pat? I see you doing good.



1 Like reaction.

1

## Exhibit 4

Exhibit P-43, Page 611



I was hypothetically speaking as in I'm tha... by Unknown User  
Unknown User  
3/8 7:14 PM

I was hypothetically speaking as in I'm that guy that " would safely base jump without a parachute" lol. I was mainly just making a funny.



1 Like reaction.

1

March 9

What is the plan for today by Unknown User  
Unknown User  
3/9 6:32 AM

What is the plan for today  
I believe it's to run product for sir by Unknown User  
Unknown User  
3/9 7:03 AM

I believe it's to run product for sir  
Good sir by Unknown User  
Unknown User  
3/9 7:03 AM  
Good sir  
Awesome by Unknown User  
Unknown User  
3/9 7:05 AM

Awesome  
Indeed my good man indeed by Jim Hoover  
Jim Hoover  
3/9 7:08 AM

Indeed my good man indeed  
We're going to do our best to run product t... by John Spears  
John Spears  
3/9 7:09 AM

We're going to do our best to run product today. Let's be sure we have everything greased.



1 Like reaction.

1

Oh Ronnell you're gonna want to grease your... by Unknown User  
Unknown User

## Exhibit 4

Exhibit P-43, Page 612


3/9 7:12 AM

Oh Ronnell you're gonna want to grease your joints as well lol. This here mill is gonna put you through some things. Which is why we all love her and respect her.



1 Like reaction.

1

 by Unknown User

Unknown User

3/9 7:12 AM



Laugh now my friend lol by Unknown User

Unknown User

3/9 7:13 AM

Laugh now my friend lol

I am not that old... by Unknown User

Unknown User

3/9 7:13 AM

I am not that old...

Maintenance Team you all there already grea... by Jim Hoover

Jim Hoover

3/9 7:13 AM

Maintenance Team you all there already great job guys they are the ghost team



1 Surprised reaction.

1

Patrick Lewis by the end of the day I won't... by Unknown User

Unknown User

3/9 7:15 AM

Patrick Lewis by the end of the day I won't even feel it

It ain't got to deal with age lol. Ask rj ... by Unknown User

Unknown User

3/9 7:27 AM

It ain't got to deal with age lol. Ask rj he'll tell you all about it lol

## Exhibit 4

Exhibit P-43, Page 613

That's some funny shit right there by Jim Hoover  
Jim Hoover  
3/9 7:36 AM

That's some funny shit right there  
Everyone be sure to complete your forklift ... by John Spears  
John Spears  
3/9 8:35 AM

Everyone be sure to complete your forklift and work area exams please.I'll do the maintenance exam.



1 Like reaction.

1

Someone, other than John, please examine th... by Russell Tidaback  
3/9 8:37 AM  
Russell Tidaback

Someone, other than John, please examine the Classifier elevator bearings. Make sure these are greased, and relay what you see and do up there to John.  
Jim

Hoover

Patrick

Lewis

Ronnell

Fondren

Robert

Baumann  
Patrick and I greased the classifier elevat... by John Spears  
John Spears  
3/9 8:40 AM

Patrick and I greased the classifier elevator top bearings before we came down.Patrick turned the power back on as well.In our haste yesterday we forgot to grease the scroll while we were up there.



1 Like reaction.

1

That part of the exam takes the longest to ... by Russell Tidaback  
3/9 8:40 AM  
Russell Tidaback

That part of the exam takes the longest to do.It would help make the inspection and startup faster.  
okay, so just to verify everything is tidy ... by Russell Tidaback

## Exhibit 4

Exhibit P-43, Page 614

3/9 8:42 AM

Russell Tidaback

okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick

Lewis

get that part done.

Begin Reference, okay, so just to verify ev... by John Spears

John Spears

3/9 8:43 AM

Russell Tidaback3/9/2023, 8:42 AM

okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done.

You bet.Greased lightening!

Begin Reference, okay, so just to verify ev... by Unknown User

Unknown User

3/9 8:44 AM

Russell Tidaback3/9/2023, 8:42 AM

okay, so just to verify everything is tidy and secure... and the scroll is greased, lets have Patrick Lewis get that part done.

Fixing to try the elevator now everything looks good



1 Like reaction.

1

Did we get the bottom door installed? by John Spears

John Spears

3/9 8:45 AM

Did we get the bottom door installed?

Begin Reference, Did we get the bottom door... by Unknown User

Unknown User

3/9 8:50 AM

John Spears3/9/2023, 8:45 AM

Did we get the bottom door installed?

We wanted to leave it open for trial run had it caution tape off everything looks and sounds ok we are "rolling that beautiful bean footage" as

John Spears

would say



2 Laugh reactions.

2

Fantastic!! by John Spears

John Spears

## Exhibit 4

Exhibit P-43, Page 615

3/9 8:51 AM

Fantastic!!

Hi John Spears Robert BaumannNNR T... by Julie Ann Cureg

Julie Ann Cureg

3/9 2:55 PM

Hi

John

Spears

Robert

Baumann

NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment.



1 Like reaction.

1

Begin Reference, Hi John Spears Robert Baum... by Unknown User

Unknown User

3/9 3:44 PM

Edited

Julie Ann Cureg3/9/2023, 2:55 PM

Hi John Spears Robert Baumann NNR Truck is on their way to pick up the 2 Bulk Bags for air shipment.

Can I get the address they are going to in the USA please

**Russell Tidaback**

Jordan Tidaback

Julie Ann Cureg

Russell Tidaback Jordan Tidaback We n... by Unknown User, has an attachment.

Unknown User

3/9 3:44 PM

**Russell Tidaback**

Jordan Tidaback

We need to replace this because it will eventually eat that belt up

**20230309\_153558.jpg**

John Spears Robert Baumann We need to... by Unknown User, has an attachment.

Unknown User

3/9 3:45 PM

John Spears

**Exhibit 4**

Exhibit P-43, Page 616

Robert Baumann

We need to replace this because it will eventually eat that belt up

**20230309\_153558 1.jpg**

Selected photo by Unknown User

Unknown User

3/9 3:46 PM

We need to get this replaced, or it will ev... by Unknown User

Unknown User

3/9 3:47 PM

We need to get this replaced, or it will eventually eat that belt up.

Begin Reference, Can I get the address they... by Julie Ann Cureg

Julie Ann Cureg

3/9 3:50 PM

Unknown User 3/9/2023, 3:44 PM

Can I get the address they are going to in the USA please Russell Tidaback Jordan Tidaback Julie Ann Cureg

NNR GLOBAL LOGISTICS USA INC. 1701 NICHOLAS BLVD ELK GROVE VILLAGE, IL 60007 US

It is in the pick up order file. Please pri... by Julie Ann Cureg

Julie Ann Cureg

3/9 3:51 PM

It is in the pick up order file. Please print that file together with the New BOL and give it to the driver

Robert Baumann . Here's the link to the f... by Julie Ann Cureg

Julie Ann Cureg

3/9 3:51 PM

Robert

Baumann

. Here's the link to the folder

[https://deedyco.sharepoint.com/:f:/r/sites/American\\_Tripoli\\_Seneca\\_MO-CustomersDistributorsSales/Shared%20Documents/Customers.%20Distributors.%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-488%20INABATA%20AMERICA%20CORPORATION%20-%202%20Partial%20Order?csf=1&web=1&e=YiREaZ](https://deedyco.sharepoint.com/:f:/r/sites/American_Tripoli_Seneca_MO-CustomersDistributorsSales/Shared%20Documents/Customers.%20Distributors.%20Sales/Paperwork%20for%20Upcoming%20Orders/SO-488%20INABATA%20AMERICA%20CORPORATION%20-%202%20Partial%20Order?csf=1&web=1&e=YiREaZ)

Robert Baumann I'm headed back to the offic... by John Spears

John Spears

3/9 3:55 PM

Robert Baumann I'm headed back to the office to print the new BOL. It got past 3:30 and I didn't think they were coming and I kinda forgot. Hold on.

Got it handled John Spears by Unknown User

Unknown User

3/9 3:57 PM

Got it handled

## Exhibit 4

Exhibit P-43, Page 617

John Spears  
Captured photo Captured photo Captured phot... by Unknown User  
Unknown User  
3/9 4:00 PM

Julie Ann Cureg  
SO-488 partial for air shipping 2 bulk bags



1 Like reaction.  
1

Begin Reference, Got it handled John Spears... by John Spears  
John Spears  
3/9 4:01 PM

Unknown User3/9/2023, 3:57 PM  
Got it handled John Spears  
Good deal. Thanks. I'll go back to Mr. Ulmer.  
Did we use the BOL they needed? I didn't th... by Jordan Tidaback  
Jordan Tidaback  
3/9 4:07 PM

Did we use the BOL they needed? I didn't think Rob had access to that folder?  
Begin Reference, Did we use the BOL they ne... by Unknown User  
Unknown User  
3/9 4:09 PM

Jordan Tidaback3/9/2023, 4:07 PM  
Did we use the BOL they needed? I didn't think Rob had access to that folder?  
Driver got all the correct info on his copy he said he needed  
Was it their BOL or ours? They'll charge us... by Jordan Tidaback  
Jordan Tidaback  
3/9 4:10 PM

Was it their BOL or ours? They'll charge us if we used ours instead of theirs.  
Not trying to be a pain, but it was like \$7... by Jordan Tidaback  
Jordan Tidaback  
3/9 4:12 PM  
Not trying to be a pain, but it was like \$75 last time we used ours instead of theirs.  
Captured photo The other one just like th... by Unknown User

Unknown User  
3/9 4:13 PM

The other one just like this but corrected shipping addresses  
dang it. Yeah we'll likely get charged on t... by Jordan Tidaback  
Jordan Tidaback  
3/9 4:13 PM

dang it. Yeah we'll likely get charged on this one. It doesn't have a lot of the info theirs does.  
image by Jordan Tidaback  
Jordan Tidaback  
3/9 4:14 PM

Julie Ann Cureg this is where you need to o... by Russell Tidaback  
3/9 4:15 PM  
Russell Tidaback

Julie Ann Cureg this is where you need to only create the BOL that is needed. Having the duplicate BOLs  
is confusing the guys at the location to print.

With shipper specific BOLs, it's tough to t... by Russell Tidaback  
3/9 4:15 PM

Russell Tidaback

With shipper specific BOLs, it's tough to to change last minute.

Not a big deal but let's tighten up on the ... by Russell Tidaback  
3/9 4:16 PM

Russell Tidaback

Not a big deal but let's tighten up on the details.

They usually send one last minute, but I th... by Jordan Tidaback

Jordan Tidaback

3/9 4:16 PM

They usually send one last minute, but I think we can get better at asking if they have a bol they want us  
to use or should we use our own, when we reach out to schedule shipping. That way we know ahead of  
time.

Begin Reference, Julie Ann Cureg this is wh... by Julie Ann Cureg

Julie Ann Cureg

3/9 4:16 PM

Russell Tidaback 3/9/2023, 4:15 PM

Julie Ann Cureg this is where you need to only create the BOL that is needed. Having the duplicate BOLs  
is confusing the guys at the location to print.

Sorry for this. They have provided number maybe they can get back for the BOL?

Julie Ann Cureg see if you can email the sh... by Russell Tidaback

## Exhibit 4

Exhibit P-43, Page 619



3/9 4:16 PM

Russell Tidaback

Julie Ann Cureg see if you can email the shipper and let them know the wrong BOL was used. And send them theirs

Begin Reference, Julie Ann Cureg see if you... by Julie Ann Cureg

Julie Ann Cureg

3/9 4:17 PM

Russell Tidaback3/9/2023, 4:16 PM

Julie Ann Cureg see if you can email the shipper and let them know the wrong BOL was used. And send them theirs

I mean the driver

Us reaching out to them acknowledging the m... by Russell Tidaback

3/9 4:17 PM

Edited

Russell Tidaback

Us reaching out to them acknowledging the mistake, they may quickly make the change

The driver is gone from the location so tha... by Russell Tidaback

3/9 4:18 PM

Russell Tidaback

The driver is gone from the location so that won't work.

You'll have to email the shipper contact yo... by Russell Tidaback

3/9 4:18 PM

Russell Tidaback

You'll have to email the shipper contact you made

Contact with to pick up the order by Russell Tidaback

3/9 4:18 PM

Russell Tidaback

Contact with to pick up the order

John Spears Make sure you verify the BOL wh... by Russell Tidaback

3/9 4:20 PM

Russell Tidaback

John Spears Make sure you verify the BOL when printing.If you don't see a BOL in the folder, ask [Julie Ann Cureg](#) to create one as there may be a shipper specific one needed.

Don't assume all BOLs are the same.

Julie Ann Cureg make sure we don't create t... by Russell Tidaback

3/9 4:22 PM

Russell Tidaback

Julie Ann Cureg make sure we don't create two BOLs... okay 😊

Doing so confuses the guys we they go to print the document.



1 Like reaction.

1

Begin Reference, Julie Ann Cureg make sure ... by Julie Ann Cureg

Julie Ann Cureg

3/9 4:23 PM

Russell Tidaback3/9/2023, 4:22 PM

## Exhibit 4

Exhibit P-43, Page 620

Julie Ann Cureg make sure we don't create two BOLs... okay 😊 Doing so confuses the guys we they go to print the document.

Ok. Sorry.



1 Like reaction.

1

Guys, remember the BOLs are very important ... by Russell Tidaback

3/9 4:26 PM

Russell Tidaback

Guys, remember the BOLs are very important in shipping. It's the official transfer of ownership and liability for the product.

When It comes to BOLs make sure these are correct!

And remember Rob won't know if it's our BOL or shipper specific. He is only tasked to make sure "a" BOL is signed and pics are taken.

We have to give him the right paperwork.

[John Spears](#) before printing...make sure to verify with [Julie Ann Cureg](#).

I sure will. I have wondered about the use... by John Spears

John Spears

3/9 4:31 PM

I sure will. I have wondered about the use of another company's BOL.



1 Like reaction.

1

yep. No ones fault specifically but now we ... by Russell Tidaback

3/9 4:33 PM

Russell Tidaback

yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important.



1 Like reaction.

1

Begin Reference, yep. No ones fault specifi... by John Spears

John Spears

3/9 4:33 PM

Russell Tidaback3/9/2023, 4:33 PM

yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important.

Yes sir.



1 Like reaction.

1

Begin Reference, yep. No ones fault specifi... by Unknown User

## Exhibit 4

Exhibit P-43, Page 621

Unknown User  
3/9 4:39 PM

Russell Tidaback 3/9/2023, 4:33 PM

yep. No ones fault specifically but now we all have a glimpse at why the Production Assistant role of QC is important.

Sorry I didn't know

Nope, you are good. Robert Baumann T... by Russell Tidaback

3/9 4:41 PM

Russell Tidaback

Nope, you are good.

Robert

Baumann

The shipper specific BOLs are a pain to deal with.

Julie

Ann

Cureg

will make sure the right one is used moving forward.



1 Like reaction.

1

there's a lot of moving pieces to shipping,... by Russell Tidaback

3/9 4:41 PM

Russell Tidaback

there's a lot of moving pieces to shipping, especially exports.

Begin Reference, Sorry I didn't know, Rober... by Julie Ann Cureg

Julie Ann Cureg

3/9 4:41 PM

Unknown User 3/9/2023, 4:39 PM

Sorry I didn't know

Are you still at the mill? If so, I need the BOL signed by the driver so I can email it to the customer.

Do you mean, is the driver still at the mil... by Russell Tidaback

3/9 4:42 PM

Edited

Russell Tidaback

Do you mean, is the driver still at the mill?

Julie

Ann

Cureg

No. I mean the scanned signed BOL by Julie Ann Cureg

## Exhibit 4

Exhibit P-43, Page 622

Julie Ann Cureg  
3/9 4:42 PM

No. I mean the scanned signed BOL  
Which is they usually do by Julie Ann Cureg  
Julie Ann Cureg  
3/9 4:42 PM  
Which is they usually do  
ah... yes. Robert Baumann can you get... by Russell Tidaback  
3/9 4:43 PM  
Russell Tidaback  
ah... yes.

Robert

Baumann  
can you get the paperwork to John so he can get it scanned to  
Julie

Ann

Cureg



1 Like reaction.  
1

Yes by Unknown User  
Unknown User  
3/9 4:43 PM

Yes



1 Like reaction.  
1

March 10

Good morning Mill Crew.We'll continue wit... by John Spears  
John Spears  
3/10 7:14 AM

Good morning Mill Crew.We'll continue with DGR bulk bags.[Robert Baumann](#) task out the grease guns  
please. Dryer bed, outside bearings, scrolls. Etc.



1 Like reaction.  
1

Good morning John Spears . Can I have th... by Julie Ann Cureg  
Julie Ann Cureg  
3/10 8:40 AM

## Exhibit 4

Exhibit P-43, Page 623

Good morning  
John

Spears

. Can I have the scanned signed BOL for SO-447, please? Thank you!

He is in an interview. It may be a little b... by Russell Tidaback

3/10 9:07 AM

Edited

Russell Tidaback

He is in an interview. It may be a little bit before he can get you this.



1 Like reaction.

1

Begin Reference, Good morning John Spears. ... by Unknown User

Unknown User

3/10 9:22 AM

Julie Ann Cureg3/10/2023, 8:40 AM

Good morning John Spears. Can I have the scanned signed BOL for SO-447, please? Thank you!

Also

John Spears

did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags

Ronnell Fondren where you at by Unknown User

Unknown User

3/10 10:41 AM

Ronnell Fondren

where you at

By the forklift by Unknown User

Unknown User

3/10 10:43 AM

By the forklift

Rob we're am I at? Lol by Unknown User

Unknown User

3/10 12:19 PM

Rob we're am I at? Lol

I brought beef stew for lunch. by John Spears

John Spears

3/10 12:26 PM

I brought beef stew for lunch.

## Exhibit 4



1 Surprised reaction.

1



1 Heart reaction.

1

Begin Reference, Also John Spears did we ge... by John Spears

John Spears

3/10 1:36 PM

Unknown User3/10/2023, 9:22 AM

Also John Spears did we get the new bol for the other part of SO 488 reprinted for 8 bulk bags

I'll get that done. Thanks

March 13

The electrician will be back Wednesday. We... by John Spears

John Spears

3/13 7:13 AM

The electrician will be back Wednesday. We'll continue with bulk bags today. Be sure to get a grease gun on all high speed parts. I'll work on the upstairs.

Message by Unknown User

Unknown User

3/13 9:29 AM

Selected photo by Unknown User

Unknown User

3/13 9:29 AM

They filters are dry rott. They need replac... by Unknown User

Unknown User

3/13 9:29 AM

They filters are dry rott. They need replaced..asap



1 Like reaction.

1

We are grandfathered to allow so much... de... by Russell Tidaback

3/13 9:31 AM

Russell Tidaback

We are grandfathered to allow so much... depending on weather, wind, etc. The biggest factor is that it dissipates before falling to the ground

Yes, we are replacing the filters. by Russell Tidaback

3/13 9:31 AM

Russell Tidaback

Yes, we are replacing the filters.

Jim Hoover you mentioned changing the one o... by Russell Tidaback

3/13 9:32 AM

## Exhibit 4

Exhibit P-43, Page 625

Russell Tidaback

Jim Hoover you mentioned changing the one or two puffing air... probably need to do this late the afternoon if possible.

Its leaving our property I could not even ... by Jim Hoover

Jim Hoover

3/13 10:47 AM

Its leaving our property I could not even see thru it coming out green stack

Got another truck here it's a container by RJ Williams

RJ Williams

3/13 11:50 AM

Got another truck here it's a container

Here to pick up SO 488 by RJ Williams

RJ Williams

3/13 11:51 AM

Here to pick up SO 488

Russell TidabackJordan Tidaback John Sp... by Unknown User

Unknown User

3/13 11:53 AM

Russell Tidaback

[Jordan Tidaback](#)

[John Spears](#)

I have a guy that is needing work I've known him for 4 yrs and he is a very hard worker and always on time, he is a good fit maintenance and other tasks as well his name is Jeremy and he just put a resume on indeed and talked to John Spears this morning



1 Like reaction.

1

The blower motor outside, by the roll up do... by Russell Tidaback

3/13 12:14 PM

Russell Tidaback

The blower motor outside, by the roll up door by the ramp.

I'm thinking the is giving us the excess dust.

Ever since Jeff repaired that motor we've been dealing with excess dust.

[Robert Baumann](#) turn that blower motor off and let's see if this solves any excess dust issue.



1 Like reaction.

1

From what I remember, Doug had that motor d... by Russell Tidaback

3/13 12:15 PM

Russell Tidaback

## Exhibit 4

Exhibit P-43, Page 626

From what I remember, Doug had that motor disconnected.  
Jeff just hooked the motor back up and ever... by Russell Tidaback

3/13 12:16 PM

Russell Tidaback

Jeff just hooked the motor back up and ever since we have been worrying about the excess dust.

It might be that motor is pushing too much air volume through the system.

Ronnell Fondren meet Max at quarry garage ... by John Spears

John Spears

3/13 12:49 PM

Ronnell Fondren meet Max at quarry garage across the street to be task trained on the Dressert loader.

Please.

K by Unknown User

Unknown User

3/13 12:53 PM

K

Captured photo Captured photo Captured phot... by Unknown User

Unknown User

3/13 12:55 PM

SO-449

Julie Ann Cureg



1 Like reaction.

1

Remember spray that container before it's l... by Unknown User

Unknown User

3/13 12:56 PM

## Exhibit 4

Exhibit P-43, Page 627



Remember spray that container before it's loaded please and thank you



1 Like reaction.

1

Begin Reference, Jeff just hooked the motor... by Unknown User

Unknown User

3/13 1:25 PM

Russell Tidaback3/13/2023, 12:16 PM

Jeff just hooked the motor back up and ever since we have been worrying about the excess dust. It might be that motor is pushing too much air volume through the system.

It didn't help just going to shut down a lil early to go up and sweep the product that is built up causing the problem

Media by Unknown User

Unknown User

3/13 1:28 PM

John Spears something broke inside the pul... by Unknown User

Unknown User

3/13 1:29 PM

John Spears

something broke inside the pulverizer

Media by Unknown User

Unknown User

3/13 1:29 PM

Begin Reference, John Spears something brok... by John Spears

John Spears

3/13 1:30 PM

Unknown User3/13/2023, 1:29 PM

John Spears something broke inside the pulverizer

Ok. We'll dig into it.

Captured photo Captured photo Captured phot... by Unknown User

Unknown User

3/13 1:41 PM

## Exhibit 4

SO488

Julie Ann Cureg



2 Like reactions.

2

March 14

Good morning crew. We'll get the hammer mi... by John Spears

John Spears

3/14 7:59 AM

Good morning crew. We'll get the hammer mill put back while the burner is warming up. We'll need to clean off the dryer feeder belt of the big chunks. We'll then continue with bulk bags.

The Toyota forklift is repaired and is good... by Unknown User

Unknown User

3/14 8:00 AM

The Toyota forklift is repaired and is good to use



2 Like reactions.

2

Robert Baumann is this in reference to t... by Jordan Tidaback

Jordan Tidaback

3/14 8:04 AM

Robert

Baumann

is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated.

Begin Reference, Robert Baumann is this in ... by John Spears

John Spears

3/14 8:06 AM

Jordan Tidaback3/14/2023, 8:04 AM

**Exhibit 4**

Exhibit P-43, Page 629

Robert Baumann is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated.

Yes. The forklift is ready for use.



1 Like reaction.

1

Begin Reference, Robert Baumann is this in ... by Unknown User

Unknown User

3/14 8:11 AM

Jordan Tidaback3/14/2023, 8:04 AM

Robert Baumann is this in reference to the horn? If so, I'll email the MSHA guys and get that citation terminated.

Yes you can let them know it's fixed



1 Like reaction.

1

Robert Baumann John Spears Please c... by Russell Tidaback

3/14 10:39 AM

Russell Tidaback

Robert

Baumann

John

Spears

Please confirm these are available and not assigned to any SO-###.

Got it. by John Spears

John Spears

3/14 10:40 AM

Got it.

We'll check. by John Spears

John Spears

3/14 10:40 AM

We'll check.

Begin Reference, Robert Baumann John Spears... by Unknown User

Unknown User

3/14 10:53 AM

Russell Tidaback3/14/2023, 10:39 AM

Robert Baumann John SpearsPlease confirm these are available and not assigned to any SO-###. 📷  
We have 5 dgr and 0 ogr that are not assigned to orders we pulled the 10 bags for a order awhile back



1 Like reaction.

1

SO-572 is taking 4 of the DGR bags. lets ge... by Russell Tidaback

3/14 12:57 PM

Russell Tidaback

SO-572 is taking 4 of the DGR bags. lets get those ready for shipment.

March 15

Upon starting up the key has worked out of ... by Unknown User

Unknown User

3/15 8:32 AM

Upon starting up the key has worked out of the driveshaft of the feed elevator

Patrick is in a harness and headed up the l... by John Spears

John Spears

3/15 9:10 AM

Patrick is in a harness and headed up the ladder.

Captured photo Captured photo Captured phot... by Unknown User

Unknown User

3/15 9:51 AM

John Spears  
snapped this collar



1 Surprised reaction.

1

What in the world??? Is that from the Class... by Russell Tidaback

3/15 9:53 AM

Russell Tidaback

What in the world??? Is that from the Classifier Elevator?



1 Like reaction.

1




Begin Reference, 📷 📷 📷 John Spears snapped ... by John Spears

## Exhibit 4

Exhibit P-43, Page 631

John Spears  
3/15 9:55 AM

Unknown User3/15/2023, 9:51 AM

   John Spears snapped this collar  
Just like the old one.



1 Surprised reaction.

1

Still operating on the classification eleva... by Unknown User  
Unknown User  
3/15 10:50 AM

Still operating on the classification elevator and the guys are here trying to get the packer figured out  
but ol Jim is not here

Jim is loading rock today. Jim said if yall... by Unknown User

Unknown User

3/15 11:03 AM

Jim is loading rock today. Jim said if yall need him there to let him know

Begin Reference, Jim is loading rock today.... by John Spears

John Spears

3/15 11:04 AM

Unknown User3/15/2023, 11:03 AM

Jim is loading rock today. Jim said if yall need him there to let him know

We could use him.

Ok I'll get ahold of him now by Unknown User

Unknown User

3/15 11:04 AM

Ok I'll get ahold of him now

Begin Reference, Ok I'll get ahold of him n... by John Spears

John Spears

3/15 11:04 AM

Unknown User3/15/2023, 11:04 AM

Ok I'll get ahold of him now

Thanks

Begin Reference, Still operating on the cla... by Jordan Tidaback

Jordan Tidaback

3/15 11:31 AM

## Exhibit 4

Exhibit P-43, Page 632

Unknown User3/15/2023, 10:50 AM

Still operating on the classification elevator and the guys are here trying to get the packer figured out but ol Jim is not here  
Robert

Baumann

- I'm sure you've already taken care of it, but please just remember to loto the classifier elevator.



1 Like reaction.

1

Media by Unknown User

Unknown User

3/15 11:32 AM



2 Like reactions.

2

Fantastic! by John Spears

John Spears

3/15 11:33 AM

Fantastic!

Captured photo Captured photo Captured phot... by Unknown User

Unknown User

3/15 3:03 PM

SO-527

Julie Ann Cureg



2 Like reactions.

2

Captured photo Captured photo Sweeping up... by Unknown User

Unknown User



3/15 4:07 PM





## Exhibit 4



Exhibit P-43, Page 633

Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off  
Media by Unknown User  
Unknown User  
3/15 4:07 PM

I'll be darn! by John Spears  
John Spears  
3/15 4:27 PM

I'll be darn!  
Begin Reference,   Sweeping up by palleti... by John Spears  
John Spears  
3/15 4:28 PM  
Unknown User3/15/2023, 4:07 PM

  Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off  
We'll have to find out where they're coming from.  
Begin Reference,   Swee... by John Spears  
John Spears  
3/15 4:29 PM  
Unknown User3/15/2023, 4:07 PM

  Sweeping up by palletizer and we have live wires coming thru the floor sparked thru the broom shutting this area off  
I wonder how long it'sbeen like that?  
Ask Jim if he knows if a machine was at tha... by Russell Tidaback  
3/15 4:33 PM  
Russell Tidaback  
Ask Jim if he knows if a machine was at that location during his employment.

Is this area on your right as you are walking from the bagger stand to the control room?

What would be on the first floor in that area? The tube mill gear box?  
but yes, we need to find the breaker that c... by Russell Tidaback  
3/15 4:35 PM  
Russell Tidaback  
but yes, we need to find the breaker that controls those wires and if not used for anything else, lock it out until we can get the wires removed.In the meantime, do we have any rubberized dip like you dip your tool handle in to pour over the wires to protect from shocking anyone?  
Begin Reference, I wonder how long it's bee... by Unknown User  
Unknown User

## Exhibit 4

3/15 4:35 PM

John Spears 3/15/2023, 4:29 PM

I wonder how long it's been like that?

I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it

stepping on it with boots on wouldnt shock ... by Russell Tidaback

3/15 4:36 PM

Russell Tidaback

stepping on it with boots on wouldnt shock you... walking across barefoot... yes then it would.

go ahead and tape the area off to keep peop... by Russell Tidaback

3/15 4:37 PM

Russell Tidaback

go ahead and tape the area off to keep people from walking near it until we can find what circuit breaker its on.

That's what we'll do. I thought I'd seen a... by John Spears

John Spears

3/15 4:41 PM

That's what we'll do. I thought I'd seen all of the oddities here at the mill. We'll get it traced down. Glad it was discovered.

lol... that place is crazy! by Russell Tidaback

3/15 4:42 PM

Russell Tidaback

lol... that place is crazy!

Yep, glad it was discovered and no one got ... by Russell Tidaback

3/15 4:47 PM

Russell Tidaback

Yep, glad it was discovered and no one got hurt by it.

find where the wires are, trace the wire run back to the breaker box, make sure the power is turned off, remove the wires and conduit. Not a big deal but still something someone should have done back when they cut the wires at the floor when they removed whatever machine was there.

If that's where I think the pics are... that was back when they installed the palletizer... in the late 1980s-early 1990s. ridiculous...



1 Like reaction.

1

I have a maintenance guy that wants to work... by Unknown User

Unknown User

3/15 7:48 PM

I have a maintenance guy that wants to work as soon as possible, his name is Jeremy

We have spoken with Jeremy. by Russell Tidaback

3/15 8:55 PM

Russell Tidaback

## Exhibit 4

Exhibit P-43, Page 635



We have spoken with Jeremy.  
Begin Reference, We have spoken with Jeremy... by Unknown User  
Unknown User  
3/15 9:09 PM

Russell Tidaback3/15/2023, 8:55 PM  
We have spoken with Jeremy.  
Ok

March 16  
Begin Reference, I will cut power to the wh... by Russell Tidaback  
3/16 5:24 AM  
Russell Tidaback  
Unknown User3/15/2023, 4:35 PM  
I will cut power to the whole building in the morning and solve the issue I'm just thankful no one stepped on it  
Robert BaumannWe don't need to shut the building down.Tape off the area so no one can step on it or near it.

We need to run production.

John will troubleshoot where the wires are and deal with it.

Those wires have obviously been there like that for approximately 30+ years.

Ridiculous, I know but now we are aware of the issue it will be addressed. Just keep it taped off, throw some Tripoli back over the exposed wires to create a barrier as a precaution so nothing will fall across the wires and start a fire. Nothing crazy but a couple handfuls should be enough.

I still can't believe someone, probably the palletizer installers, cut the wires at the floor but didn't think to follow up on the other side of the floor.That's just unprofessional and dangerous.

[John Spears](#) please troubleshoot this today. At a minimum find out where the wires run to and see if that circuit is powering anything else. If nothing, turn that breaker off and loto it. Then let's discuss the wire run removal.  
Russell Tidaback I'll find the wire for sure... by John Spears  
John Spears  
3/16 6:34 AM

Russell Tidaback I'll find the wire for sure. Jim said it is a rubber flex conduit.  
Oh nice. Thanks john. by Russell Tidaback  
3/16 6:47 AM  
Russell Tidaback  
Oh nice. Thanks john.  
Packer still not operational so going back ... by Unknown User  
Unknown User  
3/16 8:30 AM

Packer still not operational so going back to producing bulk bags  
Begin Reference, Packer still not operation... by John Spears

## Exhibit 4

Exhibit P-43, Page 636

John Spears  
3/16 8:33 AM

Unknown User3/16/2023, 8:30 AM  
Packer still not operational so going back to producing bulk bags  
Mr. Ulmer is coming back this morning.  
John Spears the burner issues have gotten ... by Unknown User  
Unknown User  
3/16 9:23 AM

John Spears  
the burner issues have gotten to the point of not staying lit every time I reset it and get the control  
motor to work it keeps kicking it off  
Begin Reference, John Spears the burner iss... by John Spears  
John Spears  
3/16 9:25 AM

Unknown User3/16/2023, 9:23 AM  
John Spears the burner issues have gotten to the point of not staying lit every time I reset it and get the  
control motor to work it keeps kicking it off  
Ok. I'll look at it.  
Captured photo Captured photo Captured phot... by Unknown User  
Unknown User  
3/16 11:30 AM

The plate than ran across the front of the hammer mill caught and tore up so the hammer mill is down  
Pretty sure I can fix. by John Spears  
John Spears  
3/16 12:13 PM

Pretty sure I can fix.



1 Like reaction.

1

## Exhibit 4

Exhibit P-43, Page 637

Then why is it not done yet sir? by Unknown User  
Unknown User  
3/16 12:15 PM

Then why is it not done yet sir?  
Lol by Unknown User  
Unknown User  
3/16 12:15 PM  
Lol  
Patrick Lewis I loaded a whole pallet of 1... by John Spears  
John Spears  
3/16 12:29 PM

Patrick Lewis I loaded a whole pallet of 100 pounders all by myself. Those electrician guys worked me like a rented mule.



2 Laugh reactions.  
2

Whoa big fellow, it surprisibgly gets easi... by Unknown User  
Unknown User  
3/16 12:31 PM

Whoa big fellow, it surprisibgly gets easier the more you stack lol  
Alright! Let's get this hammer mill back t... by John Spears  
John Spears  
3/16 2:48 PM

Alright! Let's get this hammer mill back together.  
March 17  
While the burner is warming up let's get th... by John Spears  
John Spears  
3/17 7:12 AM

While the burner is warming up let's get the grease guns and get scroll bearings, classifier on the catwalk bearings, packer bearings. We're going to pack 100 pounders today. We need pallets and slip sheets.  
John Spears been trying to get the burner ... by Unknown User  
Unknown User  
3/17 7:43 AM

John Spears  
been trying to get the burner to light for awhile now keeps throwing a low fire alarm  
Captured photo I've reset and powered off... by Unknown User  
Unknown User  
3/17 8:12 AM

## Exhibit 4

Exhibit P-43, Page 638

I've reset and powered off everything multiple times  
John Spears  
I figured as much with a cold morning. We'... by John Spears  
John Spears  
3/17 8:13 AM

I figured as much with a cold morning. We'll keep trying.



1 Like reaction.

1

John Spears May need to remove the flam... by Russell Tidaback  
3/17 8:29 AM  
Russell Tidaback  
John

Spears

May need to remove the flame rod, Jim will know, and clean it off with an emery cloth. It may have carbon build up on it, just enough to block the air flow sensed telling the sensor of "low fire".

Since the air temp is 42 degrees, just like... by Russell Tidaback

3/17 8:30 AM

Russell Tidaback

Since the air temp is 42 degrees, just like a mechanical choke on an old car, the choke plates/vanes are probably closed.

Begin Reference, John Spears May need to re... by John Spears

John Spears

3/17 8:37 AM

Russell Tidaback 3/17/2023, 8:29 AM

John Spears May need to remove the flame rod, Jim will know, and clean it off with an emery cloth. It may have carbon build up on it, just enough to block the air flow sensed telling the sensor of "low... Is the flame rod different from the 5 volt sensor rods?

March 20

Gooooooooood Morning too Everyone! This is W... by Unknown User

Unknown User

3/20 4:58 AM

Gooooooooood Morning too Everyone! This is Will BE a great week



1 Like reaction.

1



1 Heart reaction.

**Exhibit 4**

1

It will be a great week! 🙏 ThanksRonnell... by Russell Tidaback  
3/20 5:05 AM  
Russell Tidaback

It will be a great week! 🙏 Thanks [Ronnell Fondren](#)  
Begin Reference, It will be a great week! 💎... by Unknown User  
Unknown User  
3/20 5:06 AM

Russell Tidaback3/20/2023, 5:05 AM  
It will be a great week! 🙏 Thanks Ronnell Fondren  
Yw  
What's this the cheer squad? Lol. It's 5 in... by Unknown User  
Unknown User  
3/20 5:40 AM

What's this the cheer squad? Lol. It's 5 in the morning boys Th is really going on ronnell?  
Lol by Unknown User  
Unknown User  
3/20 5:41 AM  
Lol  
Begin Reference, What's this the cheer squa... by Unknown User  
Unknown User  
3/20 6:17 AM

Unknown User3/20/2023, 5:40 AM  
What's this the cheer squad? Lol. It's 5 in the morning boys Th is really going on ronnell?  
Lol..  
Well technically I could have said that at ... by Unknown User  
Unknown User  
3/20 6:20 AM  
Well technically I could have said that at 0400, but I figured I'd let yal get more time in with your pillows  
Begin Reference, Gooooooooood Morning too Ev... by John Spears  
John Spears  
3/20 6:49 AM

Unknown User3/20/2023, 4:58 AM  
Gooooooooood Morning too Everyone! This is Will BE a great week  
Good morning to y'all as well. I'm encouraged to have a good week as well. Mr. Longan will be here at 8am and get the burner/furnace working properly. We'll get paper sacks, slip sheets and pallets ready so we can pack 100 pounders. We're on boarding three new team members today. Be careful driving in today.  
Begin Reference, Good morning to y'all as w... by Unknown User  
Unknown User  
3/20 6:53 AM

## Exhibit 4

Exhibit P-43, Page 640

John Spears3/20/2023, 6:49 AM

Good morning to y'all as well. I'm encouraged to have a good week as well. Mr. Longan will be here at 8am and get the burner/furnace working properly. We'll get paper sacks, slip sheets and pallets ready... John is bringing donuts this morning lol

Hey now we don't play about donuts now lol.... by Unknown User

Unknown User

3/20 7:05 AM

Hey now we don't play about donuts now lol.

Begin Reference, Hey now we don't play about... by John Spears

John Spears

3/20 7:08 AM

Unknown User3/20/2023, 7:05 AM

Hey now we don't play about donuts now lol.

Really?!?!

 by Unknown User

Unknown User

3/20 7:12 AM



Captured photo Captured photo Captured phot... by Unknown User

Unknown User

3/20 9:42 AM

SO-290B

Julie Ann Cureg

20 bags OGR



1 Like reaction.

1

**Exhibit 4**

Exhibit P-43, Page 641

March 21

If it takes 4 men to dig a hole, how many m... by Unknown User  
Unknown User  
3/21 7:24 AM

If it takes 4 men to dig a hole, how many men will it take to dig half a hole?  
The same 4 dudes digging thehole by Unknown User  
Unknown User  
3/21 7:28 AM

The same 4 dudes digging thehole  
No wrong answer by Unknown User  
Unknown User  
3/21 7:28 AM

No wrong answer  
Reckon I'll stay home and study then. Darn... by Unknown User  
Unknown User  
3/21 7:31 AM

Reckon I'll stay home and study then. Darn the luck



1 Laugh reaction.

1

Begin Reference, Reckon I'll stay home and ... by Unknown User  
Unknown User  
3/21 7:31 AM

Unknown User3/21/2023, 7:31 AM  
Reckon I'll stay home and study then. Darn the luck  
Lol  
Jim Hoover Patrick Lewis RJ Williams w... by Unknown User  
Unknown User  
3/21 7:34 AM

Jim Hoover

Patrick Lewis

RJ Williams  
we need to meet up in administration building at 8 am sharp  
Begin Reference, Lol, Ronnell Fondren, 3/21... by Unknown User  
Unknown User  
3/21 7:38 AM

**Exhibit 4**

Exhibit P-43, Page 642

Unknown User3/21/2023, 7:31 AM

Lol

Did I say something funny?or are you laughing at me? Because I don't remember clowning.

Begin Reference, Jim Hoover Patrick Lewis R... by Unknown User

Unknown User

3/21 7:38 AM

Unknown User3/21/2023, 7:34 AM

Jim Hoover Patrick Lewis RJ Williams we need to meet up in administration building at 8 am sharp

Yes sir

Begin Reference, Did I say something funny?... by Unknown User

Unknown User

3/21 7:39 AM

Unknown User3/21/2023, 7:38 AM

Did I say something funny?or are you laughing at me? Because I don't remember clowning.

I would never laugh at u

Ok good cuz I don't remember being serious ... by Unknown User

Unknown User

3/21 7:40 AM

Ok good cuz I don't remember being serious either

John Spears Russell Tidaback Jim Hoover... by Unknown User

Unknown User

3/21 10:41 AM

John Spears

**Russell Tidaback**

Jim Hoover

Patrick Lewis

Jordan Tidaback

RJ

. Ok so msha seen the 10 stacking and said absolutely no so we will move to next order continuing 5 high unless

**Russell Tidaback**

has a better option they stated without a platform nothing over waist high

Ok. by John Spears

John Spears

3/21 10:42 AM

Ok.

Which order are we working on? I thought Re... by Jordan Tidaback

**Exhibit 4**

Exhibit P-43, Page 643



Jordan Tidaback  
3/21 10:43 AM

Which order are we working on? I thought RepTec was a 5-high?  
The SO-304 list as a 10 layer. by John Spears  
John Spears  
3/21 10:44 AM

The SO-304 list as a 10 layer.  
They're both 5 highs image by Jordan Tidaback  
Jordan Tidaback  
3/21 10:46 AM

They're both 5 highs

Ok. That "10" confused Rob and I. Thank y... by John Spears  
John Spears  
3/21 10:48 AM

Ok. That "10" confused Rob and I. Thank you.



1 Surprised reaction.  
1

The DGR part of SO-304 is also 5-highs. i... by Russell Tidaback  
3/21 11:02 AM  
Russell Tidaback  
The DGR part of SO-304 is also 5-highs.

Begin Reference, The DGR part of SO-304 is ... by Unknown User  
Unknown User  
3/21 11:07 AM

Russell Tidaback3/21/2023, 11:02 AM  
The DGR part of SO-304 is also 5-highs. 📷  
Totally looked at it wrong our bad.  
Also, ask the MSHA inspector for the MSHA r... by Russell Tidaback  
3/21 11:07 AM  
Edited  
Russell Tidaback

Also, ask the MSHA inspector for the MSHA reference as to how high a pallet can be stacked. We are not finding the reference.

OSHA reg is 8 feet... and a 100# "10-high" ... by Russell Tidaback

3/21 11:18 AM

Edited

Russell Tidaback

OSHA reg is 8 feet... and a 100# "10-high" is 61.5" tall and a 50# "10-high" is 60" tall

Robert Baumann Make sure the guys are us... by Russell Tidaback, has an attachment.

3/21 11:36 AM

Russell Tidaback

Robert

Baumann

Make sure the guys are using the proper resources to not injure themselves. Use the forklift to lower the pallet stack to the mid-height.

[Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf](#)

**Ergonomics Improvement at Surface Mines 2018-117 from the CDC.pdf**American\_Tripoli\_Seneca\_MO > Safety and Environmental

And since we packing 100# bags, these shoul... by Russell Tidaback

3/21 11:43 AM

Russell Tidaback

And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person load the bag, two people stacking. Rotate one stacking to loading the bag, etc.

I'm sure this is what you guys are doing... just want to make sure the guys are being safe.

Begin Reference, And since we packing 100# ... by John Spears

John Spears

3/21 12:33 PM

Russell Tidaback 3/21/2023, 11:43 AM

And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Yep. I've been helping as well.



1 Like reaction.

1

Begin Reference, And since we packing 100# ... by Unknown User

Unknown User

3/21 2:32 PM

Russell Tidaback 3/21/2023, 11:43 AM

## Exhibit 4

Exhibit P-43, Page 645

And since we packing 100# bags, these should be a shared lift between two people and rotating every few bags. Last time Jordan and I helped with hand stacking 100#s we rotated every 4 bags. One person... Problem is we don't really have the people to do that we are running half throttle now

? Jim, Patrick, and RJ. by Russell Tidaback

3/21 2:33 PM

Russell Tidaback

? Jim, Patrick, and RJ.

I understand. 330pm still gives us an hour... by John Spears

John Spears

3/21 2:34 PM

I understand. 330pm still gives us an hour to clear the machinery.

Yep, if we follow the guidance given, 1hr s... by Russell Tidaback

3/21 2:35 PM

Russell Tidaback

Yep, if we follow the guidance given, 1hr startup, 6 hours of producing, 1hr shutdown. Thats 8 hrs a day.

The problem that I have seen is, during the... by Russell Tidaback

3/21 2:38 PM

Edited

Russell Tidaback

The problem that I have seen is, during the startup and shutdown, many think this is goof off time instead of getting things ready for production today (startup) or getting things closed out for the day (shutdown).

Its the mgmt teams responsibility to ensure everything gets done. Task out, verify when complete.

Begin Reference, Problem is we don't really... by Russell Tidaback

3/21 2:38 PM

Russell Tidaback

Unknown User3/21/2023, 2:32 PM

Problem is we don't really have the people to do that we are running half throttle now

How many people do you think are needed?

Robert

Baumann

If we do 1 bag per minute, switching out ev... by Russell Tidaback

3/21 2:39 PM

Russell Tidaback

If we do 1 bag per minute, switching out every 5 minutes...

I would think we were slow due to the machi... by Russell Tidaback

3/21 2:39 PM

Russell Tidaback

I would think we were slow due to the machinery, not due to the people.

at least what I see when Im there, always w... by Russell Tidaback

3/21 2:40 PM

Russell Tidaback

at least what I see when Im there, always waiting on the bin light being on.

Hey everyone we have product blowing out fi... by Jim Hoover

Jim Hoover

3/21 2:59 PM

## Exhibit 4

Exhibit P-43, Page 646

Hey everyone we have product blowing out finish good classifier  
Wonder why? Plus can see back room from the... by Jim Hoover

Jim Hoover

3/21 3:04 PM

Wonder why? Plus can see back room from the palletizer wonder why? Anyone know why? Just wondering

Probably low vacuum pressure. tube clogged ... by Russell Tidaback

3/21 3:05 PM

Russell Tidaback

Probably low vacuum pressure. tube clogged or loose filter.

Begin Reference, Probably low vacuum pressu... by John Spears

John Spears

3/21 3:07 PM

Russell Tidaback3/21/2023, 3:05 PM

Probably low vacuum pressure. tube clogged or loose filter.

Actually it is coming out of the Donaldson exhaust. May have a compromised filter.



1 Like reaction.

1

We definitely need at least one or 2 more m... by RJ Williams

RJ Williams

3/21 3:29 PM

We definitely need at least one or 2 more mill associates, between bagging and getting the pallets put to the side to start another is very challenging rn and me and pat are burnt out



1 Like reaction.

1

Coming out of both and the vacuum system ... by Unknown User

Unknown User

3/21 3:31 PM

0:19

Coming out of both and the vacuum system upstairs is making an odd noise

John Spears



1 Like reaction.

1

Thanks by John Spears

John Spears

3/21 3:31 PM

## Exhibit 4

Exhibit P-43, Page 647

Thanks

March 22

Bearing on G40 return very end on north si... by Jim Hoover

Jim Hoover

3/22 11:19 PM

Bearing on G40 return very end on north side has been out for awhile the hanger bearing right by that needs TLC in morning the dust problem on the fourth floor needs addressed asap one of the issues is one or more of the 30 socks has a hole or the cage is crushed letting material flow thru, the screens need looked at and the scroll going thru flour elevator needs worked on so the material doesn't flow so far to the east where we are getting the over flow of material .the bulk feed scroll needs patched up and the air flow of the little mac needs looked at as well again, Quincy psi 84 to 87 all day today nothing firing and dusty as heck inside the mill .as we all are well aware have great night and to all a good night

Uhhhhhh by Unknown User

Unknown User

3/22 11:26 PM

Uhhhhhh

What huuuhhuhuhuhuhhu beavis by Unknown User

Unknown User

3/22 11:26 PM

What huuuhhuhuhuhuhhu beavis



1 Laugh reaction.

1

March 23

That should be a cuePatrick Lewis that t... by Russell Tidaback

3/23 6:37 AM

Edited

Russell Tidaback

That should be a cue [Patrick Lewis](#) that there is so much more to learn about the mill.

The issues Jim brought up

1. G40 scroll bearing.
2. Dust on the 4th floor
3. Sock filters
4. Screens
5. 4th floor horizontal scroll
6. Bulk feed scroll
7. Little Mac air flow
8. Air compressor Air pressure
9. Dusty in mill

All of these items mentioned need to be prioritized and addressed accordingly.

The filter issue first. Jim, you know these filters, take a look. It's probably due to being backed up from

## Exhibit 4

the debris that was in the system.

The air compressor. John will take a look at it and see what's up with it.

We have to remember systems require all parts to work properly together. If one part backs up... it should be expected for the other parts to not function correctly.

Yesterday, you cleaned out the system... now we need to get all the subsystems reset back to "zero" so they can start to function together as a whole system.

We can't run around like chickens with their heads cut off and expect everything to magically happen all at once.

Organizational skills, knowledge, patience and timing is how things happen efficiently.

Standing around complaining/pointing fingers won't fix anything.

As a team of people, we all need to work together to address the issues within the mill.

It's great that Jim pointed these issues out. It helps the mgmt team coordinate what needs to be addressed.

As Patrick pointed out in a joking manner, there is a lot to learn about how the mill works...which is the first promotion step for all mill associates.

John and Rob will devise a plan, task appropriately and together we will make today a successful day. I'm trying to figure out the air pressure i... by Unknown User

Unknown User  
3/23 7:43 AM

I'm trying to figure out the air pressure issues now  
RJ Williams

Jim Hoover  
replace the g-40 bearing and we will repair the screen tomorrow evening so it can dry all weekend and look into finished product filters.

Patrick Lewis  
please lubricate first thing while system is heating up



1 Like reaction.

1

Awesome, Rob, thanks. FYI all, we have th... by Russell Tidaback  
3/23 7:57 AM

Russell Tidaback

Awesome, Rob, thanks.

FYI all, we have three new team members joining us today. Jeremy - Maintenance, Jessie - Safety, and Alex - Production coordinator.

It will take some time this morning to get these guys set up, but you will start seeing them today.

## Exhibit 4

Exhibit P-43, Page 649

We need to finish SO-304 from yesterday and start on SO-316.

316 is a large order. These are 10-highs... Hopefully, one of the last greater than 5 highs we have to do.

We don't advertise more than 5-highs anymore. Not to say that a customer won't order a 7-high, for example, but...it should be seen less often.

The palletizer motor we are addressing. Hopefully, I will have that motor back to repair the palletizer here soon. We don't like you guys' hand stacking bags anymore than you like stacking them. Well, except for [Patrick Lewis](#), since we know he likes hand stacking bags. 😊 lol.

Talking about dust in the Mill. If we follow the instructions given, all mill windows and doors should be open at the beginning of the shift and closed at the end of the shift. This is to help blow out any dust.

This is not only for your comfort but also as a safety precaution for dust levels. Rob, make sure this is done. Especially on days when MSHA is there doing an air sample test... kind of makes sense right.

Make sure we are doing the daily workplace inspections, equipment inspections, etc.

Make sure we are lubricating the classifier elevator bearings and blower bearings outside... let's not forget about these...

It will take time for these new guys to catch on... let's accept them into the team, help them learn. Keep any negative to yourself, let them become part of the team, and let's get things done.

The weather should help with production. Let's keep an eye on the dust output and have a good day today.

Jordan Tidaback removed Unknown User from the chat.

Jordan Tidaback  
removed

Unknown User  
from the chat.

Jordan Tidaback added Unknown User and 2 others to the chat and shared chat history from the past 7 days.

Jordan Tidaback  
added

Unknown User  
and 2 others to the chat and shared chat history from the past 7 days.

Captured photo Captured photo Captured phot... by Unknown User

Unknown User

3/23 8:50 AM

Got these leaks slowed down and gained 4 psi but the whole top of the regulator on fourth floor was blown out we desperately need one it's pouring out air way worse than it was Pat and I got the top back on but it's leaking really bad



1 Like reaction.

1

John Spearscan we take the one off th... by Russell Tidaback

3/23 8:59 AM

Edited

Russell Tidaback

John

Spears

can we take the one off the #2 bagger and replace this one on the fourth floor?

I believe the regulator on the unused bagge... by Russell Tidaback

3/23 9:00 AM

Russell Tidaback

I believe the regulator on the unused bagger and the one on the 4th floor vacuum pressure compressor are the same blade regulator.

Robert BaumannThanks and yep, everywher... by Russell Tidaback

3/23 9:03 AM

Russell Tidaback

Robert

Baumann

Thanks and yep, everywhere we hear air leaking is money being wasted. Just like a dripping water faucet. We need to address the leaks.

If I remember correctly, Jim was tasked to create a list of everywhere he found an air leak. Did this ever get completed?

Begin Reference, "whole top of the regulato... by John Spears

John Spears

3/23 9:04 AM

Russell Tidaback3/23/2023, 8:59 AM

"whole top of the regulator on fourth floor was blown out we desperately need one"... pic? And John

Spears can we take the one off the #2 bagger and replace this one on the fourth floor?

Jeremy and I will get those switched.



2 Like reactions.

2

perfect! by Russell Tidaback

3/23 9:05 AM


Russell Tidaback


## Exhibit 4


Exhibit P-43, Page 651



perfect!  
Captured photo Just as much my fault but ... by Unknown User  
Unknown User  
3/23 9:10 AM

Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area  
Ronnell Fondren  
Begin Reference,  Just as much my fault bu... by Unknown User  
Unknown User  
3/23 9:14 AM

Unknown User3/23/2023, 9:10 AM  
 Just as much my fault but we need to keep the gate shut when we get done dumping or cleaning the pit area  
Ronnell Fondren  
It's open because we was going to dump another load, if you got around to crushing the rock. But I'll let Max know..mmk  
Even in-between dumping we should keep it s... by Unknown User  
Unknown User  
3/23 9:16 AM

Even in-between dumping we should keep it shut for liability purposes I will help keep an eye on it it's my responsibility to make sure it's locked and shut at start up and shut down  
  
1 Like reaction.  
1

Especially from an OSHA/MSHA perspective.... by Russell Tidaback  
3/23 9:27 AM  
Russell Tidaback  
Especially from an OSHA/MSHA perspective.Thanks guys!  
Media Media by Unknown User  
Unknown User  
3/23 9:36 AM

Both "spares" on the packer system are set ... by Unknown User  
Unknown User  
3/23 9:37 AM  
Both "spares" on the packer system are set up different and have different specs  
John SpearsJeremy Talbert I think I noti... by Russell Tidaback

## Exhibit 4

Exhibit P-43, Page 652

3/23 9:39 AM

Russell Tidaback

John Spears [Jeremy Talbert](#) I think I noticed one the last time I was there on the shelving in the maintenance area. Good or bad... no idea, just an fyi.

Begin Reference, John Spears Jeremy Talbert... by John Spears

John Spears

3/23 9:40 AM

Russell Tidaback3/23/2023, 9:39 AM

John Spears Jeremy Talbert I think I noticed one the last time I was there on the shelving in the maintenance area. Good or bad... no idea, just an fyi.

We'll look for it.



1 Like reaction.

1

Alex Snodgrass check pallets. by John Spears

John Spears

3/23 10:54 AM

Alex Snodgrass

check pallets.

Robert Baumann can we get someone to crush ... by Unknown User

Unknown User

3/23 12:06 PM

Robert Baumann can we get someone to crush the Rock?

Begin Reference, Robert Baumann can we get ... by Unknown User

Unknown User

3/23 12:18 PM

Unknown User3/23/2023, 12:06 PM

Robert Baumann can we get someone to crush the Rock?

We are hand stacking so we are utilizing all mill associate's we could actually use your muscles

Begin Reference, We are hand stacking so we... by Unknown User

Unknown User

3/23 12:20 PM

Unknown User3/23/2023, 12:18 PM

We are hand stacking so we are utilizing all mill associate's we could actually use your muscles

You're standing outside, the primary tank isn't full..

It's actually the quarry departments respon... by Jim Hoover

Jim Hoover

3/23 12:22 PM

It's actually the quarry departments responsibility to take care of the crushing .

**Exhibit 4**

Exhibit P-43, Page 653

Begin Reference, It's actually the quarry d... by Unknown User  
Unknown User  
3/23 12:22 PM

Jim Hoover3/23/2023, 12:22 PM  
It's actually the quarry departments responsibility to take care of the crushing .  
Team effort but ok

March 24  
Captured photo Captured photo SO-576 2 bu... by Unknown User  
Unknown User  
3/24 11:25 AM

SO-576 2 bulk bags  
Julie Ann Cureg



1 Like reaction.  
1

Good deal. by John Spears  
John Spears  
3/24 11:25 AM

Good deal.  
John Spears WHERE ARE YOU @ because I was b... by Unknown User  
Unknown User  
3/24 11:38 AM

John Spears WHERE ARE YOU @ because I was bagging and stacking pallets and then Rob come over and said he would do it for me to go down and clean up what's been sitting for days and he just stood there and didn't even do anything.  
Selected photo Selected photo by Unknown User  
Unknown User  
3/24 11:44 AM

Seen it myself. by John Spears  
John Spears

## Exhibit 4

Exhibit P-43, Page 654

3/24 11:45 AM

Seen it myself.

If this has been sitting here for a few day... by Unknown User

Unknown User

3/24 11:45 AM

If this has been sitting here for a few days don't you think you should have more then one person on it?

THIS IS A TEAM EFFORT RIGHT OR IS THERE A "I" IN TEAM.

Hi John Spearscan I have the signed BO... by Julie Ann Cureg

Julie Ann Cureg

3/24 11:59 AM

Hi

John

Spears

can I have the signed BOL for SO-576 if you already have it? Thanks!

Begin Reference, Hi John Spears can I have ... by John Spears

John Spears

3/24 12:02 PM

Julie Ann Cureg3/24/2023, 11:59 AM

Hi John Spears can I have the signed BOL for SO-576 if you already have it? Thanks!

Will do. I'm on a parts run so it'll be about 40 minutes.



1 Like reaction.

1

Alex Snodgrassmay be able to help. We b... by Jordan Tidaback

Jordan Tidaback

3/24 12:08 PM

Alex

Snodgrass

may be able to help. We briefly went over it yesterday. Alex, send me a message in the Operations chat if you need help and we can walk through it together.



2 Like reactions.

2

Robert Baumann can you unlock gat to dump l... by Unknown User

Unknown User

3/24 1:51 PM

## Exhibit 4

Exhibit P-43, Page 655

Robert Baumann can you unlock gat to dump load of rock  
Captured photo Captured photo So the doub... by Unknown User  
Unknown User  
3/24 4:19 PM

So the double ground screens are beyond patching got one set left and prepared for installation first thing Monday



1 Like reaction.

1

Captured photo Isolated a major air probl... by Unknown User  
Unknown User  
3/24 4:20 PM

Isolated a major air problem on bottom left air solenoids on lil Mac  
What do you mean by isolated? by Russell Tidaback  
3/24 4:26 PM  
Russell Tidaback  
What do you mean by isolated?  
Well air is just pouring past the valves st... by Unknown User  
Unknown User  
3/24 4:27 PM

Well air is just pouring past the valves straight out the stack  
Okay. Do you mean you fixed the leak or tur... by Russell Tidaback  
3/24 4:29 PM  
Russell Tidaback  
Okay. Do you mean you fixed the leak or turned off the valve to the machine, so now no air is getting to the machine.

I'm not sure what isolated means in your message.  
No we didn't fix it was going to ask John's... by Unknown User  
Unknown User  
3/24 4:31 PM

No we didn't fix it was going to ask John's opinion on how to deal with the issue  
Ah, okay. Now that makes sense. Thanks Rob. by Russell Tidaback  
3/24 4:32 PM  
Russell Tidaback  
Ah, okay. Now that makes sense. Thanks Rob.

## Exhibit 4

Exhibit P-43, Page 656

March 28

How are we stacking the pallets that are 10... by Unknown User  
Unknown User  
3/28 7:46 AM

How are we stacking the pallets that are 10 high?  
Begin Reference, How are we stacking the pa... by John Spears  
John Spears  
3/28 8:29 AM

Unknown User3/28/2023, 7:46 AM  
How are we stacking the pallets that are 10 high?  
We'll be able to stack seven high then move to an elevated transfer location.  
Begin Reference, We'll be able to stack sev... by Unknown User  
Unknown User  
3/28 8:31 AM

John Spears3/28/2023, 8:29 AM  
We'll be able to stack seven high then move to an elevated transfer location.  
Does this elevated platform have 3 points of contact? And even if so you still can't safely carry 100lbs up  
the platform without having 3 points of contact  
Message by John Spears  
John Spears  
3/28 8:43 AM



1 Like reaction.  
**1**

GOOD NEWS!!! NO 10-HIGH STACKING. WOO HOO!... by John Spears  
John Spears  
3/28 9:05 AM

GOOD NEWS!!! NO 10-HIGH STACKING. WOO HOO!!!  
Good job today fellas. We'll continue with... by John Spears  
John Spears  
3/28 4:40 PM

Good job today fellas. We'll continue with SO-316. We need to weigh each pallet and write the pounds on  
each pallet and a piece of paper.



1 Like reaction.  
**1**

## Exhibit 4

Exhibit P-43, Page 657

March 29

John Spears can we see about getting a new... by Unknown User  
Unknown User  
3/29 8:34 AM

John Spears  
can we see about getting a new bearing for the scroll on the bottom of the green monster this one is almost to the point of not functioning and tearing up other things than the bearing  
Media Media by Unknown User  
Unknown User  
3/29 8:35 AM

Russell TidabackJordan Tidaback leaking... by Unknown User, has attachments.  
Unknown User  
3/29 9:20 AM

Russell Tidaback [Jordan Tidaback](#) leaking from joints was leaking yesterday when I was down there the 1 hr

**20230329\_085038.jpg**

**20230329\_085052.jpg**

Needs fixed and double checked to make sure... by Unknown User  
Unknown User  
3/29 9:21 AM

Needs fixed and double checked to make sure no lines or joints are leaking down there thank you

Ronnell FondrenIt would be best for you... by Russell Tidaback

3/29 9:26 AM

Russell Tidaback

Ronnell

Fondren

It would be best for you to tag your direct supervisor  
Robert

Baumann

, or the maintenance person

Jeremy

Talbert

, or even

John

Spears

regarding issues like this.

**Exhibit 4**

Exhibit P-43, Page 658

Media by Unknown User  
Unknown User  
3/29 9:26 AM

Maintenance guy said it was leaking at this... by Unknown User  
Unknown User  
3/29 9:26 AM  
Maintenance guy said it was leaking at this joint to



1 Like reaction.

1

Jeremy and I are working together on the ga... by John Spears  
John Spears  
3/29 9:27 AM

Jeremy and I are working together on the gas line.  
Thanks John Spears by Russell Tidaback  
3/29 9:30 AM  
Russell Tidaback  
Thanks  
John

Spears  
Begin Reference, Thanks John Spears, Russel... by John Spears  
John Spears  
3/29 9:31 AM

Russell Tidaback3/29/2023, 9:30 AM  
Thanks John Spears  
Yes sir. 10 pounds of gas pressure will rear its ugly head.



1 Like reaction.

1

Robert BaumannRonnell Fondren Jim Hoove... by John Spears  
John Spears  
3/29 3:59 PM

Robert Baumann [Ronnell Fondren](#) [Jim Hoover](#) [Patrick Lewis](#) [RJ Williams](#) [Jeremy Talbert](#) [Alex Snodgrass](#)  
[Jessie Molesi](#) Jessie and Alex were really nice and got me a cake for my birthday so I got some ice cream  
to go with it. Ice cream and cake in the break room.



1 Heart reaction.

1

## Exhibit 4

Exhibit P-43, Page 659



Celebrate Happy Birthday GIF by Dyanapyehch... by Jordan Tidaback  
Jordan Tidaback  
3/29 4:57 PM



Happy birthday 🍰. Reminder guys we are cha... by Unknown User  
Unknown User  
3/29 5:02 PM

Happy birthday 🍰. Reminder guys we are charging the tube Mill and sealing up the elevator first thing in the morning. Thank you guys for all the hard work even you  
Patrick Lewis

Jim Hoover

#### Exhibit 4

Exhibit P-43, Page 660



## Exhibit 4

Robert Baumann thank you very much. by John Spears  
John Spears  
3/29 5:03 PM

Robert Baumann thank you very much.  
Happy Birthday John 🎂 by RJ Williams  
RJ Williams  
3/29 5:04 PM

Happy Birthday John 🎂  
Thanks man! I appreciate ya! by John Spears  
John Spears  
3/29 5:04 PM

Thanks man! I appreciate ya!  
Rob before you start anything in am can you... by Unknown User  
Unknown User  
3/29 5:07 PM

Rob before you start anything in am can you do a smell check for gas just to double check i didnt smell anything why i left  
Happy birthday John Spears Happy Birthda... by Gwen Magayanes Jalosjos  
Gwen Magayanes Jalosjos  
3/29 5:08 PM

Happy birthday  
John Spears



Begin Reference, Rob before you start anyth... by Unknown User  
Unknown User  
3/29 5:09 PM

Unknown User3/29/2023, 5:07 PM  
Rob before you start anything in am can you do a smell check for gas just to double check i didnt snell anything why i left  
For sure I appreciate you getting that fixed  
Begin Reference, Happy birthday John Spears... by John Spears  
John Spears  
3/29 5:14 PM

Gwen Magayanes Jalosjos3/29/2023, 5:08 PM  
Happy birthday John Spears 📺  
Thank you very much.  
❤️  
1 Heart reaction.  
1

March 30

#### Exhibit 4

Exhibit P-43, Page 663

Unknown User left the chat.  
Unknown User  
left the chat.  
Russell Tidaback added Unknown User to the chat and shared chat history from the past 3 days.  
Russell Tidaback  
added  
Unknown User  
to the chat and shared chat history from the past 3 days.  
Jessie and I are headed to the quarry and d... by John Spears  
John Spears  
3/30 11:49 AM

Jessie and I are headed to the quarry and drying sheds for fire Extinguisher checks.  
Captured photo Captured photo Fixing to s... by Unknown User  
Unknown User  
3/30 11:51 AM

Fixing to shut down and check the screens. System is backing up  
Ok.The trash drain tube may be clogged ag... by John Spears  
John Spears  
3/30 11:58 AM


Ok.The trash drain tube may be clogged again.  
I cleaned it already by Unknown User  
Unknown User  
3/30 11:59 AM

I cleaned it already  
Yes pipes are clear no exhaust pulling from... by Unknown User  
Unknown User  
3/30 12:04 PM


Yes pipes are clear no exhaust pulling from lil Mac  
Captured photo Probably not the best fix ... by Unknown User  
Unknown User  
3/30 12:54 PM

Probably not the best fix but lil Mac is functioning now and must have been completely full thankfully the wind is cooperating and trying to get it cleared out but now it's pulling the dust from the shaker now.  
Thank you  
Jim Hoover  
and a .60 cent bolt  
Very good. by John Spears  
John Spears  
3/30 1:09 PM

Very good.  
Russell Tidaback added Unknown User to the chat and shared chat history from the past day.  
Russell Tidaback  
added  
Unknown User  
to the chat and shared chat history from the past day.  
Thank you to everybody for staying current ... by Unknown User  
Unknown User  
3/30 1:57 PM


Thank you to everybody for staying current with our forklift inspections and workplace exams.  
  
2 Like reactions.  
2

Link [https://arlweb.msha.gov/safetypro\\_in\\_a...](https://arlweb.msha.gov/safetypro_in_a...) by Unknown User  
Unknown User  
3/30 3:56 PM

[https://arlweb.msha.gov/safetypro\\_in\\_a\\_box/IG%2043%20OJT%20training%20modules%20surface%20MNM/Module%2016%20Manual%20handling%20of%20materials.PDF](https://arlweb.msha.gov/safetypro_in_a_box/IG%2043%20OJT%20training%20modules%20surface%20MNM/Module%2016%20Manual%20handling%20of%20materials.PDF) Everybody Make sure to read over this document it has good information on how to manually handle materials.  
  
2 Like reactions.  
2

Ryan Closser did you get this? by John Spears  
John Spears  
3/30 4:01 PM

Ryan Closser did you get this?  
Before start up we all need to do stretchin... by Unknown User  
Unknown User  
3/30 4:13 PM

Before start up we all need to do stretching exercises for 15 minutes. It's a good practice  


## Exhibit 4

Exhibit P-43, Page 665

1 Like reaction.

1

Thank you that is a great idea will help wi... by Unknown User  
Unknown User  
3/30 4:15 PM

Thank you that is a great idea will help with stretching some unused muscles preventing injuries.  
I agree. Everyone should show up 15-20-30 m... by Russell Tidaback  
3/30 4:15 PM

Russell Tidaback

I agree. Everyone should show up 15-20-30 minutes before 8am to do their stretching and get ready for the day.

Begin Reference, Thank you that is a great ... by Unknown User  
Unknown User  
3/30 4:16 PM

Unknown User3/30/2023, 4:15 PM

Thank you that is a great idea will help with stretching some unused muscles preventing injuries.  
Yes sir, I remember doing pt @ 4am when I was in rotc



1 Like reaction.

1

yep, the body is a machine. You dont take c... by Russell Tidaback  
3/30 4:17 PM  
Russell Tidaback

yep, the body is a machine. You dont take care if it and it will break down quicker than it should.  
preventive maintenance prevents breakdowns.... by Russell Tidaback  
3/30 4:20 PM

Russell Tidaback

preventive maintenance prevents breakdowns.It goes the same with the body.

Same principle when it comes to start up and shut down procedures... if not followed, things get missed and over looked.

Make sure you guys perform stretching exercises every morning and evening.

As the temperatures start to change, so does what our body requires. Drink plenty of water, stretch the muscles you know you are using, especially your legs, back, arms, and neck.

We need each and everyone of you.

March 31

Happy Birthday Patrick Lewis 21 Years old t... by Jim Hoover  
Jim Hoover  
3/31 5:51 AM

Happy Birthday Patrick Lewis 21 Years old today or something.like that .  
Happy Birthday Pat 🍰 🎉 by Julie Ann Cureg

## Exhibit 4

Exhibit P-43, Page 666

Julie Ann Cureg  
3/31 5:52 AM

Happy Birthday Pat 🍰 🎉  
Well thanks Jim. And thank you Julie as we... by Unknown User  
Unknown User  
3/31 6:15 AM

Well thanks Jim. And thank you Julie as well  
Everyone come to the break room for a quick... by John Spears  
John Spears  
3/31 7:58 AM

Everyone come to the break room for a quick safety meeting. Please  
Everyone Please come to the break room for ... by John Spears  
John Spears  
3/31 8:06 AM

Everyone Please come to the break room for a quick safety meeting.  
Safety meeting in the break room. Please r... by John Spears  
John Spears  
3/31 8:12 AM

Safety meeting in the break room. Please respond.  
Be there shortly by Unknown User  
Unknown User  
3/31 8:12 AM

Be there shortly  
Come to the break room now please. Let's g... by John Spears  
John Spears  
3/31 8:15 AM

Come to the break room now please. Let's get this started.  
Hi Alex SnodgrassI added the new BOL a... by Julie Ann Cureg  
Julie Ann Cureg  
3/31 8:25 AM



Hi

Alex

Snodgrass

I added the new BOL and Label for SO-580 to its SO folder. They will pick it up today. Thanks!



1 Like reaction.

1

What is it we have nothing picked or ready by Unknown User

Unknown User

3/31 8:28 AM

What is it we have nothing picked or ready

image by Jordan Tidaback

Jordan Tidaback

3/31 8:30 AM

Media by John Spears

John Spears

3/31 8:33 AM

## Exhibit 4



1 Like reaction.

1

Everyone. This is an MSHA Citation. Pleas... by John Spears

John Spears

3/31 8:35 AM

Everyone. This is an MSHA Citation. Please re-hang all air hoses when finished using them. Everyone please respond.



1 Like reaction.

1

Okay by Unknown User

Unknown User

3/31 8:41 AM

Okay

Robert Baumann Can you come to the main of... by Unknown User

Unknown User

3/31 8:46 AM

Robert Baumann

Can you come to the main office break room?



1 Like reaction.

1

Media by John Spears

John Spears

3/31 8:48 AM

## Exhibit 4

Incase you all need a frame of reference. by John Spears

John Spears

3/31 8:48 AM

Incase you all need a frame of reference.

Captured photo Captured photo Conduit nee... by Unknown User

Unknown User

3/31 9:03 AM

Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft



1 Surprised reaction.

1

Julie Ann Cureg sorry for the late confirm... by Unknown User

Unknown User

3/31 9:03 AM

Julie Ann Cureg

sorry for the late confirmation, SO-580 is ready to go



1 Like reaction.

## Exhibit 4

1

Hmm by Russell Tidaback

3/31 9:06 AM

Russell Tidaback

Hmm



Begin Reference,   Conduit needing to be ... by Russell Tidaback

3/31 9:09 AM

Edited

Russell Tidaback

Unknown User3/31/2023, 9:03 AM

  Conduit needing to be repaired and a rag shoved in a moving bearing/ shaft

Put some yellow caution tape up around the Conduit until it can be repaired. So no one steps on it or around it. Thanks guys Ryan Closser Jeremy Talbert

Do we have any more safety mask, the one I ... by Unknown User

Unknown User

3/31 9:26 AM

Do we have any more safety mask, the one I have is no good..

Yes by John Spears

John Spears

3/31 9:27 AM

Yes



1 Like reaction.

1

Everyone make sure to have all the doors an... by Unknown User

Unknown User

## Exhibit 4

3/31 11:52 AM

Everyone make sure to have all the doors and windows open anytime the mill is operating AND have all the exhaust fans on.

Ronnell FondrenI have an N95 mask i can... by Unknown User

Unknown User

3/31 11:53 AM

Ronnell

Fondren

I have an N95 mask i can bring to you

Did they recheck air since we have gotten a... by Unknown User

Unknown User

3/31 11:53 AM

Did they recheck air since we have gotten air system running better

Its not near as dusty as was a week ago by Unknown User

Unknown User

3/31 11:54 AM

Its not near as dusty as was a week ago

No the air has not been rechecked yetby Unknown User

Unknown User

3/31 11:54 AM

No the air has not been rechecked yet

Might be a thought before having to buy the... by Unknown User

## Exhibit 4

Unknown User

3/31 11:55 AM

Might be a thought before having to buy these expensive respirators just to see if improved any



1 Like reaction.

1

Ronnell Fondren please see Rob. Crushing is... by John Spears

John Spears

3/31 12:40 PM

Edited

Ronnell Fondren please see Rob. Crushing is not needed at this moment. Thanks.

I understand. You need to communicate your intentions with Rob before moving to another task/job area. He may have a different assignment for you.



1 Like reaction.

1

Cake and ice cream in the break room for Pa... by John Spears

John Spears

3/31 4:00 PM

Cake and ice cream in the break room for Patrick's birthday.

Happy Birthday Smile GIF by Travis Foster... by Jordan Tidaback

Jordan Tidaback

3/31 4:01 PM

**Exhibit 4**



April 3

Good morning Crew! Let's continue with SO-... by John Spears

John Spears

4/3 7:03 AM

Good morning Crew! Let's continue with SO-316. We're about to finish the OGR for this order. Be sure to check in with your Safety exams.



3 Like reactions.

3

**Exhibit 4**

I'm in the mill. by John Spears

John Spears

4/3 8:05 AM

I'm in the mill.

Everyone be weather wise tomorrow... .. by Russell Tidaback

4/3 10:49 PM

Russell Tidaback

Everyone be weather wise tomorrow...



1 Like reaction.

1

April 4

Everyone done very well yesterday. Let's k... by John Spears

John Spears

4/4 7:15 AM

Everyone done very well yesterday. Let's keep this going. Keep an eye out for hazards. Let's keep up with the safety exams.



1 Like reaction.

1

Taking Ronnell to quarry. by John Spears

John Spears

4/4 8:10 AM

## Exhibit 4



Taking Ronnell to quarry.

Good job today everyone. I realize we were... by John Spears

John Spears

4/4 5:10 PM

Good job today everyone. I realize we were a man short but y'all stepped up and we had a good day. We'll continue with OGR for our next order. Then we have a couple of cream orders. I drove everyone of the forklifts today. Did an exam on each. Hope you all are doing the same. If you see a potential problem, let Rob know and he'll contact a maintenance man. Thanks again.



1 Like reaction.

1

April 5

2 loads of rock is being brought down from ... by Unknown User

Unknown User

4/5 7:10 AM

2 loads of rock is being brought down from the dry sheds

That's nice lol thanks sir by Unknown User

Unknown User

4/5 7:31 AM

That's nice lol thanks sir

Good morning Alex Snodgrass John Spe... by Julie Ann Cureg

Julie Ann Cureg

4/5 9:14 AM

Good morning

## Exhibit 4

Alex

Snodgrass

John

Spears

just a heads up. SO-594 will be picked up today. They didn't give a specific pick-up time but per carrier, it should be noon. Just waiting for the BOL from the carrier to send it back to us they are just doing a quick revision.



1 Like reaction.

1

Julie Ann CuregWho is the trucking co... by Russell Tidaback

4/5 9:23 AM

Russell Tidaback

Julie

Ann

Cureg

Who is the trucking company, so we know who to look for?

It's Primo. I added it to the Prod Calendar by Julie Ann Cureg

Julie Ann Cureg

4/5 9:26 AM

It's Primo. I added it to the Prod Calendar



1 Like reaction.

## Exhibit 4

1

Alex Snodgrass John SpearsI just ad... by Julie Ann Cureg

Julie Ann Cureg

4/5 9:29 AM

Alex

Snodgrass

John

Spears

I just added the Bag Label and BOL. Ready for printing.

Julie Ann Cureg we're using Primo's BOL on... by John Spears

John Spears

4/5 9:40 AM

Julie Ann Cureg we're using Primo's BOL only and not one of ours. Correct?

Yes. I deleted ours by Julie Ann Cureg

Julie Ann Cureg

4/5 9:41 AM

Yes. I deleted ours

Very good. Thank you. by John Spears

John Spears

4/5 9:41 AM

Very good. Thank you.

**Exhibit 4**

Exhibit P-43, Page 678



1 Heart reaction.

1

We'll have it ready in 30 minutes. by John Spears

John Spears

4/5 9:41 AM

We'll have it ready in 30 minutes.



1 Heart reaction.

1

April 6

Robert Baumann someone needs to check and m... by Unknown User

Unknown User

4/6 12:00 PM

Robert Baumann someone needs to check and make sure the primary tank isn't low, and if it is then, rock will need to be sent up. Please n thank u

The primary rose tank is a little below hal... by John Spears

John Spears

4/6 12:02 PM

The primary rose tank is a little below half when I checked at 1030am today. Auxiliary tank is full.

Yep I am planning on Jim crushing this AF by Unknown User

Unknown User

4/6 12:04 PM

Yep I am planning on Jim crushing this AF

## Exhibit 4

Very good. by John Spears

John Spears

4/6 12:04 PM

Very good.

Begin Reference, Yep I am planning on Jim c... by Unknown User

Unknown User

4/6 12:05 PM

Unknown User4/6/2023, 12:04 PM

Yep I am planning on Jim crushing this AF

Gotcha, well I already started it when everyone took break

Ronnell Fondren thank you but you need ... by John Spears

John Spears

4/6 12:07 PM

Ronnell

Fondren

thank you but you need to communicate with

Robert

Baumann

before you move to another area.

Ronnell Fondren I discussed speaking with ... by Unknown User

Unknown User

4/6 12:08 PM

## Exhibit 4

Ronnell Fondren

I discussed speaking with

John Spears

or I about tasking assignments

Very good. by John Spears

John Spears

4/6 12:08 PM

Very good.

Mmmmmk by Unknown User

Unknown User

4/6 12:09 PM

Mmmmmk

Begin Reference, Ronnell Fondren I discusse... by Unknown User

Unknown User

4/6 12:11 PM

Unknown User4/6/2023, 12:08 PM

Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments

Why is it that when I take initiative there's always this and that, when no one else has been on top of it but "ME".. but it's whatev..

Since we're trying to establish a culture o... by John Spears

John Spears

4/6 12:12 PM

## Exhibit 4

Since we're trying to establish a culture of safety, we need to know where everyone is in case someone needs help. Personal initiative is great but we need to communicate with the chain of command for safety first.

Ronnell Fondren everything is still running... by Unknown User

Unknown User

4/6 12:13 PM

Ronnell Fondren

everything is still running we can't just walk off of especially this "crushing"

Begin Reference, Ronnell Fondren everything... by Unknown User

Unknown User

4/6 12:16 PM

Unknown User 4/6/2023, 12:13 PM

Ronnell Fondren everything is still running we can't just walk off of especially this "crushing"

I didn't just walk off, I was told it was break and that the tank light was on and it needed to fill up and that whoever was feeding stopped. So when every disbursed I started the crusher up. So no I just don't walk off

Image Image Image Image Image by RJ Williams

RJ Williams

4/6 3:51 PM



2 Like reactions.

2

SO-594 has been shipped by RJ Williams

RJ Williams

4/6 3:51 PM

SO-594 has been shipped

April 7

Good morning Crew!We'll continue with the... by John Spears

John Spears

4/7 6:49 AM

Good morning Crew!We'll continue with the OGR and finish SO-323.The next order is OGR as well.Jeremy Talbert and I will look at the packer nozzle and try to figure out why the "fill assist" air will not shut off. I'll move the bulk bags of Rose over to the quarry garage.Ronnell Fondren will be at the quarry today. Let's have a good Friday on Good Friday.



1 Like reaction.

1

Power surge everything kicked out DANG it w... by Unknown User

Unknown User

4/7 9:09 AM

Power surge everything kicked out DANG it we are trying to reset everything

## Exhibit 4





1 Like reaction.

1

Captured photo Someone hit some lines dow... by Unknown User

Unknown User

4/7 9:25 AM

Someone hit some lines down the street we are shut down for a awhile



2 Surprised reactions.

2



1 Like reaction.

1

Got the thumbs up now going to try to fire ... by Unknown User

Unknown User

4/7 10:03 AM

Got the thumbs up now going to try to fire back up and get everything unclogged

Good deal. by John Spears

John Spears

4/7 10:08 AM

Good deal.

We're getting 250 HT Large this coming Mond... by John Spears

## Exhibit 4

John Spears

4/7 10:11 AM

We're getting 250 HT Large this coming Monday.



1 Like reaction.

1


Jeremy Talbert please come to bagger by Unknown User

Unknown User

4/7 12:21 PM

Jeremy Talbert

please come to bagger

 Somehow this plastic bag made its way ... by John Spears

John Spears

4/7 1:50 PM



Somehow this plastic bag made its way up to flour elevator to the 4th floor and plugged up the shaker/vibrator. We need to police up the trash and dispose properly. Thanks.



1 Like reaction.

1

Message by John Spears

John Spears

4/7 1:50 PM

Good point of reference to really watch whi... by Unknown User

Unknown User

## Exhibit 4

4/7 1:56 PM

Good point of reference to really watch while crushing

by John Spears

John Spears

4/7 2:29 PM

**Exhibit 4**

Here are a few examples. Before we go home... by John Spears

John Spears

4/7 2:32 PM

Here are a few examples. Before we go home today everyone needs to scour the mill and pick up the trash please. I appreciate y'all's hard work and I enjoy providing soda every now and then but we gotta keep the trash picked up. Thanks.



1 Like reaction.

1

Message by John Spears

John Spears

4/7 3:09 PM

I picked these off of the pick belt before ... by John Spears

John Spears

4/7 3:14 PM

I picked these off of the pick belt before they went into the pulverizer. Whoever is tasked to operate the crusher please keep an eye out for big flint rocks. As you can see from the size of these they originally came from a bigger piece before it went through the crusher. Flint rocks this size can really reek havoc on the pulverizer. Thanks.

Everyone make sure to shave over the weeken... by Unknown User

Unknown User

4/7 3:45 PM

Everyone make sure to shave over the weekend so i can do a fit test Monday morning. Rob will send you over one at a time so not to interfere with production.



**Exhibit 4**

1 Like reaction.

1

Mustaches are fineby Unknown User

Unknown User

4/7 3:46 PM

Mustaches are fine

Unless you have a mask that can properly fi... by Unknown User

Unknown User

4/7 3:47 PM

Unless you have a mask that can properly fit to your face with facial hair

April 10

Good morning crew. We'll continue with OGR... by John Spears

John Spears

4/10 7:04 AM

Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy is out today so Ryan will be the only maintenance person. Jessie will try to get everyone fit tested for masks today. Let's have a good Monday.



1 Like reaction.

1

Begin Reference, Here are a few examples. ... by Russell Tidaback

4/10 7:10 AM

Russell Tidaback

John Spears4/7/2023, 2:32 PM

Here are a few examples. Before we go home today everyone needs to scour the mill and pick up the trash please. I appreciate y'all's hard work and I enjoy providing soda every now and then but we gotta keep the trash picked up. Thanks.

## Exhibit 4

This should be common sense, but even MSHA makes it a requirement:

Begin Reference, Good morning crew. We'll c... by Unknown User

Unknown User

4/10 7:41 AM

John Spears4/10/2023, 7:04 AM

Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy...

Jim is off today and not here also

John Spears

we may have to reschedule the fit tests for tomorrow



1 Like reaction.

1

Begin Reference, Jim is off today and not h... by John Spears

John Spears

4/10 7:43 AM

Unknown User4/10/2023, 7:41 AM

Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow

Sounds good

Copy that by Unknown User

Unknown User

4/10 7:44 AM

## Exhibit 4

Copy that

So only me & pat stacking today by RJ Williams

RJ Williams

4/10 7:44 AM

So only me & pat stacking today

Hell yeah. I'm on my way ladies don't trip... by Unknown User

Unknown User

4/10 7:48 AM

Hell yeah. I'm on my way ladies don't trip lol

Begin Reference, So only me & pat stacking ... by John Spears

John Spears

4/10 8:01 AM

RJ Williams4/10/2023, 7:44 AM

So only me & pat stacking today

I'll help you.



1 Laugh reaction.

1

Got this big john by Unknown User

Unknown User

4/10 8:02 AM

## Exhibit 4

Got this big john



1 Eyes reaction.

1

We gone see by RJ Williams

RJ Williams

4/10 8:03 AM

We gone see

Damn all I'm hearing is some whining sound ... by Unknown User

Unknown User

4/10 8:27 AM

Damn all I'm hearing is some whining sound like a bunch of I won't mention in here. Your get the gist

Bet by RJ Williams

RJ Williams

4/10 8:31 AM

Bet

Do you guys miss me just know i would rathe... by Unknown User

Unknown User

4/10 9:13 AM

Do you guys miss me just know i would rather be there than with yall than having to going to dr

Begin Reference, Do you guys miss me just k... by John Spears

John Spears

4/10 9:19 AM

## Exhibit 4



Unknown User4/10/2023, 9:13 AM

Do you guys miss me just know i would rather be there than with yall than having to going to dr  
You take care.

Begin Reference, Do you guys miss me just k... by Unknown User

Unknown User

4/10 9:22 AM

Unknown User4/10/2023, 9:13 AM

Do you guys miss me just know i would rather be there than with yall than having to going to dr

What's up with this packer did it start messing up late Friday it's over filling not shutting off

Rob I found a valve closed coming right off... by Unknown User

Unknown User

4/10 9:28 AM

Rob I found a valve closed coming right off of the air dryer should be good to go now

Begin Reference, Rob I found a valve closed... by Unknown User

Unknown User

4/10 9:34 AM

Unknown User4/10/2023, 9:28 AM

Rob I found a valve closed coming right off of the air dryer should be good to go now

Thank you VERY IMPORTANT if we shut a valve off that normally doesn't get closed PLEASE let everyone know

Not sure what valve hes talking about only ... by Unknown User

Unknown User

4/10 9:38 AM

## Exhibit 4

Not sure what valve hes talking about only valve on packer that we are shutting off is on air supply the one i installed thursday

Captured photo Also bearing in the filler... by Unknown User

Unknown User

4/10 9:49 AM

Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning

Begin Reference, 🇺🇸 Also bearing in the fill... by John Spears

John Spears

4/10 9:50 AM

Unknown User4/10/2023, 9:49 AM

🇺🇸 Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning

Thank you.

I noticed this friday i was gonna see about... by Unknown User

Unknown User

4/10 9:57 AM

I noticed this friday i was gonna see about doing it Saturday when i make up today if johb was okay with that i think the bearingbis in the maintenance shop

The valve that was shut off was the 4" main... by Unknown User

Unknown User

4/10 10:02 AM

## Exhibit 4

The valve that was shut off was the 4" main directly above the air dryer... Downstairs. It's a 4" ball valve and feeds the entire system. NOT the little 1/2" Gate valve on the second floor next to the packer.

Yeah i know which one your talking about wh... by Unknown User

Unknown User

4/10 10:04 AM

Yeah i know which one your talking about what about the others where they all opened i drain the air tanks everyday theres never any moisture

The valve on the end of the air tank closes... by Unknown User

Unknown User

4/10 10:53 AM

The valve on the end of the air tank closest to the second floor steps or right outside the shop door it was closed as well. It seemed as if somebody closed it in an effort to try to lock air in the system for the weekend. If we're trying to do that we're inviting problems.



1 Like reaction.

1

It's just my personal opinion by Unknown User

Unknown User

4/10 10:54 AM

It's just my personal opinion

Robert Baumann don't feed. We're working ... by John Spears

John Spears

4/10 12:19 PM

Robert Baumann don't feed. We're working on the impeller bearing.

## Exhibit 4



1 Like reaction.

1

April 11

Good morning Crew! We'll finish SO-325 th... by John Spears

John Spears

4/11 7:08 AM

Good morning Crew! We'll finish SO-325 this morning. Everyone did very well yesterday with pallets, impeller bearing and staging product. Thank you.

I've have to see Lehar's diesel this morning. They open at 8am. I'll be on to the mill directly afterwards.

Alex Snodgrass can we get the labels for t... by Unknown User

Unknown User

4/11 10:45 AM

Alex Snodgrass

can we get the labels for the maverick order please

On it by Unknown User

Unknown User

4/11 10:45 AM

On it

Jim Hoover , Patrick Lewis , Ronnell ... by Unknown User

Unknown User

4/11 10:53 AM

Jim

**Exhibit 4**

Hoover

,

Patrick

Lewis

,

Ronnell

Fondren

, and

RJ

Williams

I have you guys scheduled for both an audiogram and Pulmonary function tests (PFT) for Wednesday (4/12/2023) at 0900 am at Express Wellness/ 2518 N Main St, Miami, OK 74354. I have forms that you have to bring with you to the appointment that I will bring to you. Ronnell when you get a chance could you stop by the office to grab the form before you leave for the day.



1 Like reaction.

1



1 Surprised reaction.

1

Please acknowledge when you read this messa... by Unknown User

Unknown User

4/11 10:53 AM

Please acknowledge when you read this message

Okay by Jim Hoover

Jim Hoover

## Exhibit 4

Exhibit P-43, Page 696

4/11 11:46 AM

Okay

Be sure to bring your paper for the breathi... by John Spears

John Spears

4/11 4:04 PM

Be sure to bring your paper for the breathing and hearing test tomorrow. I will drive y'all.

Ronnell Fondren RJ Williams Jim Hoover ... by Unknown User

Unknown User

4/11 4:49 PM

Ronnell Fondren

RJ Williams

Jim Hoover

Patrick Lewis

Hey everybody make sure to fill out the top portion of the sheet I gave you with your information that I left blank. Also can each one of you private message me with your birthdate and phone number so I can send it to express wellness. Please acknowledge when you get this

April 12

Jim HooverRonnell Fondren Patrick Lewis... by John Spears

John Spears

4/12 6:52 AM

**Exhibit 4**

Exhibit P-43, Page 697

Jim Hoover Ronnell Fondren Patrick Lewis RJ Williams be sure to bring back your paper for the lung test today. Don't be late. I'm driving you over there.

We get ice cream too right? by Unknown User

Unknown User

4/12 6:55 AM

We get ice cream too right?

We're headed to Miami, OK for health test a... by John Spears

John Spears

4/12 8:13 AM

We're headed to Miami, OK for health test at Xpress Wellness

We have arrived. by John Spears

John Spears

4/12 8:53 AM

We have arrived.

Begin Reference, We have arrived., John Spe... by Unknown User

Unknown User

4/12 9:08 AM

John Spears4/12/2023, 8:53 AM

We have arrived.

Call me asap

ASAP by Unknown User

Unknown User

4/12 9:09 AM

## Exhibit 4

ASAP

April 14

Hi Guys. From what we are learning in d... by Russell Tidaback

4/14 8:04 AM

IMPORTANT

Russell Tidaback

Hi Guys.

From what we are learning in dealing with MSHA, and the recent air quality test results...those individuals who were tested as overexposed will need to wear a Powered Air Purifying Respirator (PAPR) until we can get the air readings back down to under the limits.

We have ordered these PAPR masks. These should be in Mon-Wed of next week.

We dont want you guys missing that many days of no pay so John and I are going to discuss later today about how we can keep you guys working mon-when ever the masks come in. I do apologize for yesterday and today.

The plan is as soon as the masks come in, to have Jessie put them together, and notify MSHA so they can modify the Citation/Order on the mill so we can run product. Then he will notify you guys to come in and get fit tested for these new masks (yes, its required to fit test you with each new style/manufacture mask).

As soon as every affected associate is fit tested and we can operate, we need to. Whether this is Tuesday, Wednesday, or Thursday. What ever day it is. We need to get back to pumping out product. Payroll and bills still need to get paid!

This should be a learning lesson for all... the opening of all doors, windows each morning and closing of all doors, windows each afternoon AND turning on all exhaust fans is CRITICAL each and every day.

This simple tasking is on the board in the breakroom... this should not be overlooked!

**Exhibit 4**



Any questions on this post, please collaborate or ask Rob/John/Jessie directly.

April 16

Russell Tidaback removed Unknown User from the chat.

Russell Tidaback

removed

Unknown User

from the chat.

No work tomorrow. We should be getting the... by John Spears

John Spears

4/16 8:47 PM

No work tomorrow. We should be getting the power back on in the morning.

So Tuesday then by Unknown User

Unknown User

4/16 8:52 PM

So Tuesday then

Hopefully. by John Spears

John Spears

4/16 8:53 PM

Hopefully.

Ok by Unknown User

Unknown User

4/16 8:54 PM

## Exhibit 4

Ok

April 17

Russell Tidaback removed Unknown User from the chat.

Russell Tidaback

removed

Unknown User

from the chat.

Good Morning Everyone. MSHA inspector, Mr... by Russell Tidaback

4/17 11:16 AM

Russell Tidaback

Good Morning Everyone.

MSHA inspector, Mr. Markeson, is suppose to be there in the morning to address the "close tag" issue in the mill. He has also been asked to clarify what "tasks" we can do in the mill while under the Order.

The PAPR masks are scheduled to arrive Tomorrow, so Jessie will get these assembled and you'll need to be fit tested.

Then hopefully by Wednesday, we can get back to operations. Those tested and overexposed will be required to wear the PAPR masks until we get an air quality resample thats under the limits.

Not a big deal, just make sure you are wearing your masks. Work with Jessie to make sure it is comfortable and seals like it should.

Jessie is working on getting the "gilibrator 2" serviced and recalibrated for use. The gilibrator is an air sampling device. This will allow us to do air sample tests as needed to ensure we are staying under the prescribed limits by NIOSH standards.

Even when we are under and are operating, we should be wearing all the PPE provided.

As you can all now see how important it is to open all the doors, windows and turn on the exhaust fans in the Mill. These engineering controls are designed to dilute the air with fresh air and keep the air

## Exhibit 4

moving. The PPE is an administrative control designed to add the extra protection that an engineering control may not.

It is imperative for each of you to make sure these controls are being used. They are for your protection.



1 Like reaction.

1

## **Exhibit 4**

Exhibit P-43, Page 702

February 14

John Spears 2/14 6:35 AM

JS Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

John Spears 2/14 10:13 AM

JS [6:55 AM] John Spears  
I understand. I should have been more specific about not volunteering information. I will escort the inspector.  
like 1

2/14 10:15 AM

MSHA Guide to Equipment Guarding  
<https://arlweb.msha.gov/s%26hinfo/equipguarding2004.pdf>

John Spears 2/14 10:22 AM

JS Those are the best representative pictures I've seen so far.



Unknown User 2/14 11:11 AM

UU There was no Volunteering information i was asking a question about a specific code that way we can get the right kind of material on the way to fix the guards so whe can be in compliance so we can terminate the Citations



The certin question was about the expanded metel that was used and it is a now go thats all i was doing i wasnt giving infomation about other things or whatever i didnt even join the inspection group till he pointed things that need to be fix because at that point it became my buisness



2/14 11:19 AM

Yep, I think the best way to approach the guarding issue is to put a gate entrance at the stairs going down/up from the production floor. Just an idea...

It's all good. Have to remember each inspector is going to have a different opinion of what is right

What was the question about expanded metal? He didn't like the current guarding?

Unknown User 2/14 11:24 AM

UU No he doesnt almost all of it is a no go Well regardless of that i wasnt volunteering infomation heres two logicly reasons why 1. why would i create more work for myself than i have to 2. I dont have to point anything out if there is anything wrong with anything hes gonna find it and write it up without the help from anyone.



2/14 11:26 AM

Amen to That!!!

Oh well, thanks for just noddng and agreeing with the inspector. That's all we can do.

Unknown User 2/14 11:33 AM

UU Well just make myself absoultely clear i wasnt giving up any infomation volunterly thats wasnt directly asked of me by the msha inpector

And the only thing thats was asked that i told him was about the Ground testing documentation

2/14 11:36 AM

Yep, I didn't think you did or would.

Unknown User 2/14 11:33 AM



Well just make myself absolutely clear i wasn't giving up any information voluntarily that's wasn't directly asked of me by the msha inspector

And the only thing that's was asked that i told him was about the Ground testing documentation

2/14 11:36 AM

Yep, I didn't think you did or would.

Unknown User 2/14 11:40 AM



Gage Wheeler do not answer any questions about the that the MSHA inspector may have. Do not go into the mill, I'll be the person who talks to me inspector.

Then what's this about and when i asked about it John said he didn't want me volunteering information because of the question i asked about a certain code to keep our Business in compliance with msha

2/14 11:48 AM

Ah... makes sense.

Gage Wheeler Mike Peterson from Premier Tech is going to call you to help with the bagger.

Jordan Tidaback 2/14 11:49 AM



Hi Gage, we spoke with John about that. You are absolutely allowed to answer questions the MSHA inspector has (obviously). I think John may have meant don't just go up to him and point out everything under the sun. We've had people do that, knowing very well it's an issue being worked on.

The Ops Mgr and maintenance person usually work hand in hand when the inspector is there so we can fix the simple things quickly on site before he leaves.

Hope that makes sense? I know having the inspector there makes for a tense environment, but you guys are a good team and we are all trying our best to get ahead of all the things that need fixed.

February 15

Exhibit P-43, Page 704



Good morning John.

Your message to Gage. I dont think we can legally tell employees not to talk with MSHA inspector...

*During the inspection, the compliance officer may do any of the following:*

1. Inspect the work area for unsafe acts or conditions. They will especially be concentrating on fall hazards, electrical hazards, struck by and caught between type hazards.
2. Ask questions of workers. Questions should be answered truthfully but do not offer any unnecessary information.
3. Interview workers privately.
4. Inspect equipment such as extension cords, backup alarms, scaffolds, etc.
5. Take pictures or video of work activities.

The person accompanying the inspector should take detailed notes of the walk around inspection. If possible, take pictures of anything the compliance officer takes pictures of. Any hazards that are pointed out during the inspection should be corrected immediately. Do not argue with compliance officers, even if you don't agree with them. It is also not a good idea to stop work altogether while the compliance officer is on site. This will only aggravate the compliance officer and prolong the inspection. Abel employees may not be able to accompany MSHA inspectors during their inspections. Generally they are escorted by a representative of the mine owner and our work sites are only a small part of the overall inspection.

<https://www.natlenvtrainers.com/blog/article/osha-and-msha-inspections>



#### OSHA and MSHA Inspections

OSHA and MSHA inspections routinely take place at many facilities throughout the U.S. Find out how to be...

[www.natlenvtrainers.com](http://www.natlenvtrainers.com)

but I would make sure you escort him on-site until he leaves the premises.

I would share with the guys, if asked by MSHA inspector, answer truthfully and direct but do not offer any unnecessary information. If the inspector is asking you specific questions, he/she is not your buddy, he is fishing for problems.

John Spears 2/14 6:55 AM

JS I understand. I should have been more specific about not volunteering information, I will escort the inspector.



2/14 6:56 AM

Just dont want Gage to blurt out to the inspector if asked something, "I was told not to talk to you"... 🤔

I knew what you meant but... these guys...

i dont know.

John Spears 2/14 6:57 AM

JS Yes.



John Spears 2/14 9:50 AM

JS The MSHA inspector is nice enough bit a little too picky for me.



John Spears 2/14 10:25 AM

JS I'm taking Andrew for a drug test.

John Spears 4/14 8:18 AM

We're headed to the PFT test now.



4/14 8:59 AM

I cant see the attachment.

John Spears 4/14 9:08 AM

#### Miners' Representatives - Participating In Inspections

Your representative participates in our inspection without loss of pay under certain circumstances.

### Reporting Possible Violations and Imminent Dangers

### Can I Receive Pay if I Miss Work Because of a Withdrawal Order?

The order is not terminated before the next shift, all the miners on the next shift are entitled to be paid at their regular rate for the time they are idled, up to four hours.

The operator fails to comply with a withdrawal order issued under the Act and keeps you working in the area to which the order applies, you are entitled to receive double pay for the time you worked while the withdrawal order was in effect. NOTE: If you are working to correct the condition that resulted in the withdrawal order, then you are not working in violation of the order and are not entitled to double pay.

Training (Part 45 and Part 46)

Here it is.

4/14 9:09 AM

Yes, I understand...

## 30 CFR § 104.2 - Pattern criteria.

§ 104.2 Pattern criteria.

At 11:30 a.m. on a wet, stormy day, the 100th anniversary of the founding of the city of New York was celebrated with a series of events in the city's parks and public spaces.

- (a) Fluorescence microscopy.
- (b) Phase-contrast microscopy (PMA) of the MDA-MB-231 cell colonies (see Fig. 1).
- (c) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (d) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (e) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (f) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (g) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (h) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (i) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (j) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (k) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (l) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (m) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (n) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (o) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (p) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (q) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (r) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (s) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (t) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (u) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (v) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (w) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (x) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (y) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).
- (z) Immunofluorescence microscopy (IF) of the MDA-MB-231 cell colonies (see Fig. 1).

<https://www.law.cornell.edu/cfr/text/30/104.2>



30 CFR § 104.2 - Pattern criteria. X

www.law.cornell.edu

Check the ATMO Safety chat... Jessie was inquiring as well.

John Spears 4/14 9:11 AM

JS

Looks good.

4/14 9:12 AM

By all means, if Rob thinks we did something "illegal", then he should bring it up...

From Rob...

Looks like we are in titled to up to a week pay because nothing was done about the safety situation until we were under the withdrawal. But legally have to pay us for the 12 hrs then we all file for the other hours and technology we ran illegal on Monday and Tuesday. Don't really want to have to file with msha but we the mine workers were not at fault

Again, it isnt that the 104(b) states we cannot work in the Mill. It states that we cannot create the hazard, aka create a dusty atmosphere.

👍 1

We can pay the guys to come in an do other things... but this is as I mentioned previously... we need them to be productive towards production...

John Spears 4/14 9:13 AM

JS

Russell Tidaback 4/14/2023, 9:12 AM

We can pay the guys to come in an do other things... but this is as I mentioned previously... we need them to be productive towards...

Yes I agree.

4/14 9:14 AM

expect a MSHA complaint when Rob is let go... the writing is on the wall.

## Exhibit 8



John Spears 4/14 9:15 AM

JS

Russell Tidaback 4/14/2023, 9:14 AM  
expect a MSHA complaint when Rob is let go... the writing is on the wall.

Yes sir. I see that same writing,

4/14 9:16 AM

Lets have our meeting rescheduled to this afternoon, since you are at an exam.



Jordan Tidaback 4/14 9:16 AM



ok

John Spears 4/14 9:16 AM

JS

Yes sir.

4/14 9:18 AM

Rob's termination will be based on production performance, not following guidance given by management, not ensuring the safety of the mill associated by utilizing the proper controls, etc. He doesn't have to sign it, we just need to have a document of why he was let go.

John Spears 4/14 9:56 AM

JS

Russell Tidaback 4/14/2023, 9:18 AM  
Rob's termination will be based on production performance, not following guidance given by management, not ensuring the safety...

Yes sir.

John Spears 4/14 12:10 PM

JS

**Russell Tidaback** We are back at the mill. @

I emailed Mr. Markeson and said I would be here until 5:30pm.

4/14 12:14 PM

Did he say he'd be coming to the mill?

I got your email... sorry.


John Spears 4/14 12:15 PM

JS

He would today but it would be after hours.


## Exhibit 8

 ATMO Safety | You, Don, John, +2

 John Spears 9/25 8:00 AM


Russell Tidaback Joshua Townsend John Spears Please ensure the **MSHA** Inspectors sign in to our visitor log, just like any other visitor, per **MSHA** - Metal and Nonmetal General Inspection Procedures Handbook - PH13-IV-1 ... Will do.

 ATMO Safety | You, Don, John, +2


 John Spears 8/29 1:01 PM


Joshua Townsend let the **MSHA** guys know that the burms are complete.

 Mill Group Chat | You, Brian, Don, +10


 John Spears 7/6 11:55 AM


Headed to the drying sheds with **MSHA**. And quarry.

 Mill Group Chat | You, Brian, Don, +10


 John Spears 6/26 2:09 PM


Russell Tidaback You should expect **MSHA** to be diligently looking in the causes of this fatality at our location. That would not surprise me that we would be picked out.

 ATMO Safety | You, Don, John, +2

 John Spears 5/30 10:50 AM


Jessie Molesi I calibrated the Escort Elf pumps and we have 6 operational ones that all ran and calibrated within **MSHA** standards of 1.7 LPM. 3 of the bad ones have deficient batteries that cannot hold a charge and the... Good deal. We should be able to run another good test.

 ATMO Safety | You, Don, John, +2

 John Spears 4/18 4:22 PM


Russell Tidaback perfect, then it shouldnt take tooo long. 😊 Then we play the whole waiting game on **MSHA**... Yes sir you are probably correct. Hurry up and wait.

 ATMO - Maintenance Group | You, Don, Joe, +3

 John Spears 4/16 8:45 PM


**MSHA** is supposed to be at the mill in the morning to turn on the power. The mill is still shut down until we get the PAPRs.

 ATMO Safety | You, Don, John, +2

 John Spears 4/14 2:07 PM


...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any **MSHA** inspector really. Michael Van Dorn - Ex-**MSHA** employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said...

 ATMO Safety | You, Don, John, +2

 John Spears 4/14 1:56 PM


...As for the Withdrawal Order question... we will wait until we get clarification from **MSHA**. I believe they are going to tell us that the 104(b) is a withdrawal order BUT they allowed us to work under certain guidelines. Us sending mill associates home was because no production capability no.....

 ATMO Safety | You, Don, John, +2


 John Spears 4/13 3:53 PM


We'll need at least 4 units. I'm afraid **MSHA** will ask us about the maintenance personnel. I'm sure they'll be next to be tested.

 ATMO Safety | You, Don, John, +2


 John Spears 4/13 3:07 PM


...I like this model. The main question is what kind of filter do we need to meet the requirements for particulate size? Since P-100 mask are only good down to .3 micron and that's not good enough for **MSHA**. I'm researching filter cans now.

 Mill Group Chat | You, Brian, Don, +10


 John Spears 3/31 8:35 AM


Everyone. This is an **MSHA** Citation. Please re-hang all air hoses when finished using them. Everyone please respond.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 3/14 8:06 AM


Jordan Tidaback Robert Baumann is this in reference to the horn? If so, I'll email the **MSHA** guys and get that citation terminated. Yes. The forklift is ready for use.

 ATMO - Maintenance Group | You, Don, Joe, +3


 John Spears 2/14 6:35 AM


Gage Wheeler do not answer any questions about the that the **MSHA** inspector may have. Do not go into the mill. I'll be the person who talks to me inspector.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 1/16 10:21 AM

Be sure to complete the Workplace Exam and be sure to have the crew do the forklift exam as well. I'm afraid this is where **MSHA** will go next. Thanks.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 1/11 8:26 AM

Robert Baumann John Spears Kensley Brewer we are ready for the labels for the 50 and 100 pound bags and shipping paperwork as soon as it's available for so-520 so 527 Julie Ann Cureg We're in **MSHA** training. She'll make them on our break in a little while. Thanks.

 Mill Group Chat | You, Brian, Don, +10

 John Spears 11/22/22 5:17 PM

Sure thing. Sounds good. I'm pretty sure we have smoothed things over with the **MSHA** inspectors. Bryceton is finishing up a couple welding repairs in the morning and that should be the final items on the list. We now have furnace heat in the office building as well. Jim is finished with the tube mill....



ATMO - Mill Mgmt | You, Don, John, +2



John Spears 11/9/22 5:11 PM

...Mr. Barlow and I have abated several of **MSHA**'s concerns. We'll keep plugging away at them. Craig from Bearing HQ is still looking for a less expensive bearing for the outside flour elevator. His only concern is the length of the base. I'm sure I can make an 11 inch base work for us....



Mill Group Chat | You, Brian, Don, +10



John Spears 11/8/22 9:56 AM

Russell Tidaback as of now we are bagging product. I have Mr. Barlow and I working on **MSHA** fixes.



Mill Group Chat | You, Brian, Don, +10



John Spears 11/2/22 12:51 PM

We got the fan shaft and installing now. Just broke for about 15 minutes to woof down a sandwich then back at it. **MSHA** was here doing an inspection and a group of mill wrights were here looking at the tube mill. Kinda put us behind a little. should be able to fire up when you get here.



Mill Group Chat | You, Brian, Don, +10



John Spears 10/26/22 3:27 PM

Is Justin Campbell's company email the same format as mine? He was not able to find the **MSHA** coarse. He was wondering if the material was sent to his personal email by chance.

April 17,

4/17 10:51 AM

Changes made. Hopefully you like them.

Jim Hoover 4/17 12:36 PM



What you mean

4/17 12:53 PM

We are making a change... or have made a change.

Unfortunately, we had to let Rob go today. The data shows he wasn't meeting the daily quotas, or responding to John's suggestions and advice.

So... we are going to change how we operate.

When we get back to producing... probably Wednesday... We will have you run the control room.

YOU HAVE TO UNDERSTAND, the daily quota, per the production schedule is 42k lbs per day.

Some days it's 40k, some days 42k...

We cannot keep pushing production days back, and back, and back...

You won't have to do the computer work...

this will be for the Production Assistant...

The production assistant will be responsible for the administrative computer work. You will need to inform this person on how what was produced, how many bags produced, weights, etc. But this can be communicated via Teams.

or in person

each day

Jim Hoover 4/17 1:10 PM



Wait what are we talking about brother..

Jim Hoover 4/17 1:26 PM



So I'm guessing we are going to come to some sort of negotiation because from a year ago or even from June 15 two years ago I have learned more than you can imagine and worked with John on several projects and I know the mill office and I take maintenance to what needs fixed every time I know the flow of the product and will and can do anything in the mill that you ask and have so I want the mill running like it was a year ago and I know I can get those numbers without a doubt when John and I and RJ was running and I had John sit in the mill and had 20 pallets at lunch, it has been held back so we will need to talk before then, I am very confident and what can be produced at this mill.

4/17 2:01 PM

Jim, you kill me sometimes with these conversations... I have to assume you are referencing a pay increase.

A promotion in pay should be when you have proven yourself in a certain position.

We gave you a promotion last time to do certain things... and you didn't do so well at all of the expected tasks.

Then we had to hire Rob. We didn't want to take pay away from you so we left you at the \$20 /hr.

Now, we are making changes to accommodate or address your shortcomings with leadership of people, organization, and lack of computer skills.

You won't be managing people. You won't be responsible for using the computer. You will only be responsible for daily production of product, per the production schedule.

I'm not saying that you cannot get a pay increase BUT we need you to be successful in this newly assigned position for you to earn a pay increase.

Let's give yourself 12 months in this position, successfully meeting the production calendar quotas, getting product successfully out the door, working with John and the rest of the team, again successfully... THEN we can talk about a pay increase.

**Exhibit 10**

Exhibit P-43, Page 713



Jim Hoover 4/17 5:58 PM



So this 12 months again with the mill production like the last time around it wasn't the problem.me running the mill that was the problem brother and you know that and so do I also you didn't fill your side of the deal within 90 days like you said. I let that go because I knew you wouldn't hold up your side of the deal. I always bend over backwards to you and Jordan to help you guys and I. The very first meeting you told us we wouldn't go backwards and that is all that has happen accept the boots you have done that for us better but I just bought a different pair because the ones I got from red wings suck, you said we wouldn't go backwards and my pay has my insurance has nothing has went up my pay should of never went down period you have hired maintenance people after maintenance and then they watch me do there job and they are making more than I am for some reason I shouldn't be making less than what I was 2 years ago now for sure I have learned 10 times what I knew 2 years ago when you bought this company and what have I got for this like you said more I learn the better pay comes with learning I got the little mac air problem.fixed back to where it was after 8 maintenance guys look at it and still didn't fix it I run and go right to the problem everytime boss and do everything that you would expect me to do it as loyal to you guys as they come but damn, I know you don't have money coming in I understand that and you have a scroll not paid for but I go in and give my all to keep hour business going. you taking me out of control room and putting rob in there caused more problems than you realize and I'm sure there will be more to come from that with him. he wasn't going to push to get a high count for you and push the fuck to get caught up there were days he didn't have shit running until I saw something then I would go fix it and then go tell him.

Jim Hoover 4/17 6:06 PM



I have done the mill for a year and I can run it great no questions ask so I think the negotiation that you have just told me isn't correct at all considering the things I do for you and Jordan, im not mad or pissed boss but I do things you don't even know about to keep this place going because one I love my job and two I want this place to be here a whole long ass time after im done and gone you need Saturdays im there you need Sundays I would be there you known will do whatever it takes to get us caught up...

Jim Hoover 4/17 6:12 PM



I'm not arguing with you but we are going to talk about this brother because this isn't a one sided conversation and there why you and I talk and why we are a great team.. I'm not mad or pissed boss but you just assume the worst out of me u guess when we talk.. Rob fucked you over so many times but if I would of told you that you wouldn't of listen to me would you the next one to go needs to be Ronald he calls msha every freaking day and it's bullshit

Worthless

Jim Hoover 4/17 6:19 PM



Anyway I will let you be boss im.sure you are busy, but we need to discuss what you want from me since you just put someone else in there that shouldn't of been there in first place and never lifted a finger to go and find the problem or the solution to fix it.. Anyway I will let you go and we can talk later I have worked with John 7 months and everytime I have ran this mill when rob was gone I got better numbers and know the numbers you want are reachable that is if equipment holds up which I think will just need to get the motor and that would help ten fold



Talk to you later brother



**Exhibit 10**

Exhibit P-43, Page 714

4/17 6:59 PM

Yep, now out of all that. Prove yourself, and let's get things done.

April 19

Jim Hoover 4/19 8:48 PM



This is some shit boss



4/19 8:49 PM

Yes it is!

I am trying my best to get you guys back to work brother.

Jim Hoover 4/19 8:50 PM



If I would of told you this shit was going to happen would you of believed me

4/19 8:50 PM

no, because this should have never happened

what you guys don't see is that we requested an extension...

to resolve these issues when the citation was given to us.

we requested this the day of the citation

Jim Hoover 4/19 8:51 PM



I'm talking as this whole bullshit mega

Msha

Someone that was making it worse

Is what im talking about

4/19 8:52 PM

as we knew it was going to take longer than a week to complete...

what? I don't know what you are referring to.

Jim Hoover 4/19 8:52 PM



Fueling the fire

4/19 8:52 PM

?

## Exhibit 10

Exhibit P-43, Page 715



Jim Hoover 4/19 8:54 PM  
Not getting numbers . locking main down instead of just locking tube mill out. you lock it down we don't run didn't have to lock mains down  
Locking mains

4/19 8:54 PM  
Are you referring to Rob?

Jim Hoover 4/19 8:54 PM  
Yes

4/19 8:55 PM  
yea I don't understand that who thing either...  
to me, that was dumb on both Rob and the inspector...  
there is a whole big case building on on this...  
I've already got Senators involved and the heats coming...  
they are fucking with your guys livelihood and that is wrong!  
this is fucked up  
I am fighting every single citation given...  
I am doing everything I possibly can to get you guys back to work and us producing...

Jim Hoover 4/19 8:58 PM  
Boss I was trying to tell you straight up months ago but you wouldn't of believed me but out of everyone there you should know my loyalty by now

4/19 8:59 PM  
I've never questioned your loyalty Jim.

## Exhibit 10

Jim Hoover 4/19 9:02 PM



That is bullshit and you tell me how rob test came back the worst and full of shit you know and I know that was done on purpose and he didn't ever get dirty

4/19 9:03 PM

I don't know what was up with Rob. Why was he disgruntled?

Jim Hoover 4/19 9:03 PM



I don't talk to him really msha guy



4/19 9:03 PM

I don't get it...

I talked to Rob repeatedly about having the doors and windows open and the exhaust fans on...

I don't understand why he just didn't do as he was told...

John and I had been discussing him and counseling him for months now...

Jim Hoover 4/19 9:06 PM



I will tell you this I have went around behind and have had to turn on green dust collector green air compressor he doesn't turn on in order and that is how shit has got tore up and im being dead serious

That's was a lot of the problem

4/19 9:06 PM

then we had a guy who was suppose to replace him... he was supposed to start Monday and the fucker didn't show up for the training or call or respond to calls... nothing.

I knew Rob was lacking... but didn't know it was that bad.

I don't like letting people go but at some point... you just gotta cut the cord

this is why I think the best thing to do is have you in the control room... possibly the 6am-230pm shift like we talked before...

Jim Hoover 4/19 9:08 PM



You can't start the flour elevator first thing man he was doing that I said rob it's going over the screens and screens aren't moving yet he said he was doing it that way I said well your going to fuck it up

4/19 9:09 PM

have a shift lead do all the shipment QC, time keeping, computer work etc...

good point about the flour elevator

that might be why the screens deteriorated so fast...

holding the weight of the cold material...

## Exhibit 10

Exhibit P-43, Page 717

Jim Hoover 4/19 9:11 PM  
There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take one hour and thirty minutes to clean out it takes 20 minutes period (FACT) .

That is correct

I would go up there and blow of that shit to get what we got

4/19 9:12 PM

Jim Hoover 4/19/2023, 9:11 PM  
There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take...

Yep, I agree. I believe Rob was just being lazy

We will fix this...

I believe we learn from each new person we go through there...

Jim Hoover 4/19 9:13 PM  
I was fighting a battle that shouldn't of been there you know

4/19 9:13 PM

Jim Hoover 4/19/2023, 9:13 PM  
I was fighting a battle that shouldn't of been there you know

I know now...

we are going to try things different now...

Jim Hoover 4/19 9:13 PM  
That's why I would take off running to top floor and unclog shit

👍 1

Number one priority shit has to be hot

4/19 9:14 PM

to get better you have to make mistakes and learn from them.

Jim Hoover 4/19/2023, 9:14 PM  
Number one priority shit has to be hot  
exactly

Jim Hoover 4/19 9:15 PM  
I told him a thousand times rob it has got to be hot if that yellow pipe is not hot you will have problems he didn't understand  
hot

👍 1

I took Jeremy over to pipe said put hand on this you want to know the secret about Tripoli this is it, he said fuck that is hot as fuck I said that's the secret lol

## Exhibit 10

Jim Hoover 4/19 9:18 PM



That's the difference between rob and me he didn't understand the material or the flow of the product or what breaker fixed what and so on you know you got to know that to run the mill.

4/19 9:19 PM

I don't think he was taking the time to learn it either...

Jim Hoover 4/19 9:19 PM



Once it gets hot you back down to where the percent can be as low as 60% and still hold best

4/19 9:19 PM

I think he had the best intentions at first but something fell apart. What? I don't know.

## Exhibit 10

Exhibit P-43, Page 719

Jim Hoover 4/19 10:11 PM  
I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact it is doable

4/19 10:12 PM  
I too believe that we will start doing really well once we get past this MSHA BS. This shit has been going on with them since January...

Jim Hoover 4/19/2023, 10:11 PM  
I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact i...  
That was the deciding factor for John and I to terminate Rob.

Jim Hoover 4/19 10:12 PM  
Yes it's costing me money and I don't like that

4/19 10:13 PM  
Yes, it is! It really is...

Jim Hoover 4/19 10:14 PM  
Oh shit my bad doesn't mean for him to look bad I just ran it like I do there is no other way to run it accept full throttle  
I didnt mean to make him look bad I mean

4/19 10:14 PM  
Nope... John and I were discussing Robs issues a long time ago... we just didnt know how to approach it.  
You just put the icing on the cake.

Jim Hoover 4/19 10:15 PM  
Oh shit

4/19 10:15 PM  
it had nothing to do with you.  
We knew there needed to be change but wanted to give the guy an opportunity to fix the issues we were seeing.  
He didnt make improvement and... got terminated.

Jim Hoover 4/19 10:16 PM  
I mean I had to tell him to put rock in to charge tube mill it was below 50 I said damn man we got to charge this

4/19 10:16 PM  
yep, thats why he is no longer with us.  
Tomorrow is a new day

Jim Hoover 4/19 10:17 PM  
Yes sir

## Exhibit 10

Exhibit P-43, Page 720



Jim Hoover 5/7 1:43 PM



Pat is going thru some shit not good but we had a talk Saturday I can't go into detail because I just can't it wouldn't be a good thing but he surprised me after the fact of what happen but long story short I will nip it in the bud



True story

Boss this Msha thing can I speak to you freely without you thinking I'm on there side because I'm not I always tell you what I hear

Those other guys think I'm a company man , if you want to call me that for doing what I do then I guess I am but I know that you ask of me to get a certain number and I know how to do that and she happens and I'm pushing them to get there ass in gear and I'm going out there and packing bagging and hand stacking and fork trucking pallets because I know if I don't go out and do that it will over flow that's how I run it I don't shut it off tell it can't handle no more you know but the shit is hot and I can't touch the yellow pipe you know

5/7 1:57 PM

Its not necessarily a MSHA thing or a "company man" thing...

hear me out...

Do you remember me talking with you a long time ago about Robs general negative attitude about everything?

Jim Hoover 5/7 1:58 PM



I didn't read the book on it rob telling them something and it not being true brother

Oh I know

You didn't have to tell me I worked with him

Or around him more less

5/7 1:59 PM

Well, IMO, this attitude bled over to RJ and I do believe Carson and Terry... then Patrick and probably Gage too

John and I both spoke to Rob about it many times...

Jim Hoover 5/7 2:00 PM



I had to go behind and fix shit.

5/7 2:00 PM

he wanted to blame you guys all the time about not being able to get things done

stupid things like... cleaning the bathroom.

He lacked leadership skills.

## Exhibit 10

Exhibit P-43, Page 721

Jim Hoover 5/7 2:01 PM  
I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer  
I agree

5/7 2:01 PM  
I told him he needed to get use to reading online books  
he told me he didnt like reading online  
he was advised to take some leadership classes online...  
I gave him plenty of resources to read about.... plenty of free classes

Jim Hoover 5/7 2:02 PM  
Oh wow

5/7 2:02 PM  
Then the whole MSHA thing in February...

Jim Hoover 5/7 2:02 PM  
Oh he fucked us over on that deal sorry for cussing

5/7 2:03 PM  
thats when Rob started to really buck back against what John was telling him to do

Jim Hoover 5/7/2023, 2:02 PM  
Oh he fucked us over on that deal sorry for cussing  
Oh I know...  
again... we had to prioritize things...

Jim Hoover 5/7 2:03 PM  
He was yelling at John alot screaming

5/7 2:03 PM  
we were constantly looking at how to replace him  
Alex was being trained to replace Rob..  
then Alex quit

## Exhibit 10

5/7 2:04 PM

We thought Kensley could...maybe... but she didnt work out either...

so, then we hired this last guy... what a f-ing hassle

We have requested MSHA to give us an exception to policy and let us fall under the Part 46 training requirements...

that way we would just have to provide 4 hours of initial safety training and then have the guy start working...

this way if he/she decided it wasnt for them we werent out the 3 days paid training AND the \$250 - \$400 instructor expense for EACH new hire.

MSHA is f-ing choking us out...

Rob's issues go way back, even before starting days...

Christine wanted to replace him...

Jeff didnt like him

Jessie didnt either...

Carson thought Rob was lazy

Jim Hoover 5/7 2:09 PM



Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

5/7 2:09 PM

Rob's problem was he didnt want to take the advice of anyone else and thought he knew it all.

Jim Hoover 5/7/2023, 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

Oh I know...

and now...

that he has made a friend at MSHA... Keith... Robs a fool to think Keith is his friend.

Im just glad Rob is gone. That was a longggg time coming.

## Exhibit 10

Exhibit P-43, Page 723



Jim Hoover 5/7 2:12 PM



Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after the third day there when he started he told my guys I didn't know anything ..and then he comes and ask me shit 2 seconds later I just blew it off

5/7 2:12 PM

August of last year, Christine was telling me we need to replace Rob.

Jim Hoover 5/7 2:13 PM



I could of told you boss but you wouldnt of believed me

5/7 2:13 PM

Jim Hoover 5/7/2023, 2:12 PM

Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after the...

yea, he was full of himself. I could see it back when we were having screen problems..

Jim Hoover 5/7/2023, 2:13 PM

I could of told you boss but you wouldnt of believed me

Its not that...its there are a lot of other pieces moving behind the scenes too

Jim Hoover 5/7 2:14 PM



I see these people come and go brother

Everyone of them

5/7 2:14 PM

See, im having to now fight MSHA because Rob thinks he was discriminated against

Jim Hoover 5/7 2:14 PM



I can tell you in the first 2 days if they will make it because of all the hear say bullshit



5/7 2:15 PM

I just dont understand why they cant just do what they are asked to do...

## Exhibit 10

Jim Hoover 5/7 2:15 PM  
Well probably are to lazy mother fuckers I can't stand shit like that  
🔥 1  
LoL  
Do you want to know what he told me

5/7 2:16 PM  
I just hope Patrick and RJ arent too infected by his BS

Jim Hoover 5/7/2023, 2:16 PM  
Do you want to know what he told me  
whats that?

Jim Hoover 5/7 2:17 PM  
That you wanted to fire me long ass time ago then when Sara was here he told me again  
That you told him this

5/7 2:17 PM  
Jim Hoover 5/7/2023, 2:17 PM  
That you wanted to fire me long ass time ago then when Sara was here he told me again  
uh, no Rob and I were never that close...

Jim Hoover 5/7 2:17 PM  
I said well it's his company to do with what he feels will help the company  
I didn't lose any sleep over it brother

5/7 2:18 PM  
I have only mentioned letting you go when you were having feet problem and not showing up to work as scheduled.  
As ive told you before, its not personal

## Exhibit 10

Jim Hoover 5/7 3:14 PM



See how the holes are rounded at some of the ends like a bigger hole



That's not good it's letting some of the small rocks get thru there but we got in there and fixed the serious problems that's for sure I told Jeremy we needed to get in there and look at that end and we found the problem it was killing the screens



On the fourth I told Rob the scrolls needed to be cut shorter he said no it will be alright I told him the product is going past the hole and covering the screens and making everything go back into return and he said how do you no that and I showed him and still blew me off

5/7 3:20 PM

he was a dick wad...

Jim Hoover 5/7 3:20 PM



It just really pissed me off that I would find the problem and he would just ignore it



I agree

Jim Hoover 5/7 3:25 PM



Also just to let you know Robs BS TALK ABOUT taking 1:30 mins to shut down and run product all out is total BS it takes 20 mins from start to finish approximately 30 at most



5/7 3:39 PM

30 mins is what we discussed before Rob... he was just lazy

Jim Hoover 5/7 4:03 PM



True

May 9

## Exhibit 10

JULIE A. SU, Acting Secretary of Labor, United States Department of Labor, and ROBERT BAUMANN	)	DISCRIMINATION & INTERFERENCE PROCEEDING
	)	
Complainants,	)	DOCKET
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

"Production Control Manager, Seneca, MO" - Posted on August 1, 2022 Job Details \_  
Indeed.com.pdf

"Production Foreman, Seneca, MO" - Posted on August 1, 2022 Job Details \_ Indeed.com.pdf

"Production Lead, Seneca, MO" - Posted on April 17, 2023 Job Details \_ Indeed.com.pdf

Additionally, the mine operator utilized various online platforms, including Facebook community and job posting groups, to reach a broader audience for job postings and employment opportunities. These platforms were chosen to maximize the visibility of the job openings and attract potential candidates.

While the mine operator did post these job openings to replace Robert Baumann, it's important to note that records of job offers made to the numerous prospective employees who were not accepted with the intent to replace Robert Baumann were not retained by the mine operator. However, the mine operator can provide the names of the individuals who received job offers and subsequently accepted employment with the company:

Aaron Duke

Alex Snodgrass

David Dagle

Richard McClelland

Will Shallenburger

These individuals were extended job offers and accepted positions with the mine operator. Any additional details or documents related to these job offers or the hiring process can be provided upon further request.

**INTERROGATORY NO. 2:** To the extent you are making a financial hardship claim in this case, describe how the proposed penalties in this docket would affect Respondent's ability to remain in business, including a description of the current business climate as it relates to your business and how that has changed in the past two years. Such description should include any sales increases or decreases, opening/closing of different mines, and any unexpected expenses or loans.

**ANSWER:** In response to the interrogatory and regarding the financial impact of the proposed penalties, it is imperative to highlight the severe adverse effects that these penalties would have on American Tripoli's ability to remain in business. The current business climate has presented numerous challenges, and the imposition of substantial penalties would exacerbate the company's precarious financial situation.

Over the past two years, American Tripoli has faced several significant challenges that have strained its financial stability. These challenges include:

Employee High Turnover and Quiet Quitting: American Tripoli has experienced a high turnover rate among employees, with over 30 employees leaving the company since June 2021. This level of turnover is exceptionally high for a small company that typically employs 12-15 workers. The phenomenon of "quiet quitting," where employees disengage and become less productive, has also been a significant concern.

Impact of COVID-19: The aftermath of the COVID-19 pandemic has had a lasting impact on the business. The pandemic disrupted the labor market and created uncertainty in the workforce, making it challenging to attract and retain skilled workers.

Supply Chain Disruptions: The global supply chain disruptions in 2022 further compounded the challenges faced by American Tripoli. The costs of building a new mill, which might have allowed for expansion and increased revenue, were estimated to be prohibitively high, hindering any expansion plans.

Operational Shutdowns: The company has experienced prolonged operational shutdowns due to ongoing MSHA inspections and enforcement actions. These interruptions have cumulatively resulted in approximately 12 weeks of downtime, during which the company missed out on an estimated \$3,000,000 in revenue-generating operations. The company has asked the district numerous times for assisted visits to help us but to no avail.

Accumulated Debt: American Tripoli is currently burdened with a debt of approximately \$900,000, not including the \$2,000,000 balance on notes acquired to purchase the business.

Given the aforementioned challenges and the delicate financial state of the company, the proposed penalties in this docket would have a devastating impact on American Tripoli's ability to remain in business. These penalties would further exacerbate the company's debt burden, potentially pushing it towards bankruptcy.

The imposition of substantial fines by MSHA would strain the already limited financial resources, making it increasingly difficult for American Tripoli to meet its financial obligations, retain employees, and continue its operations. The company urges a thorough consideration of these

extenuating circumstances and the potential dire consequences of imposing such penalties.



### DECLARATION

I, RUSSELL TIDABACK state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: *Russell Tidaback*

Name: RUSSELL TIDABACK

Title: MANAGING MEMBER

Dated:

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents identified or referred to in your answers to the interrogatories above.

RESPONSE: The inquiry and request for information regarding Interrogatory No. 1. To assist you in obtaining the necessary details related to this matter, we kindly direct your attention to the uploaded documents contained in our case file. These documents are organized into folders labeled "Interrogatory 1" and "Interrogatory 2."

For your convenience and to facilitate your review, we have included the relevant documents in the respective folders as follows:

Interrogatory 1 Folder:

June 13, 2022 - Robert Baumann Application - Candidates \_ Indeed.com.pdf

August 1, 2022 - Production Controller, Seneca, MO - Job Details \_ Indeed.com.pdf

August 1, 2022 - Production Control Manager, Seneca, MO - Job Details \_  
Indeed.com.pdf

August 1, 2022 - Production Supervisor, Seneca, MO - Job Details \_ Indeed.com.pdf

April 17, 2023 - Production Lead, Seneca, MO - Job Details \_ Indeed.com.pdf

Aaron Duke\_American Tripoli\_Offer Letter\_25APR23 - signed.pdf

Alex Snodgrass Resume.pdf

David Daigle Employment Offer Letter.pdf

Richard McClelland\_American Tripoli Position Offer Letter.pdf

Will Shallenburger - American Tripoli Position Offer Letter.pdf

Interrogatory 2 Folder:

MOSENECAMANUFACTURER LLC - 2021 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2021 Income Statement.pdf

MOSENECAMANUFACTURER LLC - 2021 Tax Returns.pdf

MOSENECAMANUFACTURER LLC - 2022 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2022 Income Statement.pdf

MOSENECAMANUFACTURER LLC - 2022 Tax Returns.pdf

MOSENECAMANUFACTURER LLC - 2023 Balance Sheet.pdf

MOSENECAMANUFACTURER LLC - 2023 Income Statement.pdf

These documents contain relevant information pertaining to the job postings, hiring process, and financial records as outlined in Interrogatory No. 1 and Interrogatory No. 2.

We encourage you to refer to these documents to access the specific details requested.

Should you require any further clarification or additional information, please do not hesitate to reach out to us. We are committed to providing a comprehensive and accurate response to your inquiries.

2. Produce documents reflecting the final paycheck provided to Robert Baumann, including any associated pay stub.

RESPONSE: We have reviewed our records and have identified that the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf" was already included in our initial response within the "First Interrogatories Responses" submission. This document was attached for your reference in that submission.

3. Produce records of hours worked by Baumann on a weekly or bi-weekly basis, including any pay stubs showing hours worked for each pay period.

RESPONSE: We have reviewed our records and have identified that the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf" was already included in our initial response within the "First Interrogatories Responses" submission. This document was attached for your reference in that submission.

4. Produce each pay stub related to each payment made by Respondent to Robert Baumann.

RESPONSE: Upon reviewing your request, we have noted that Request Number 4, which seeks "each pay stub related to each payment made by Respondent to Robert Baumann," appears to be a duplicate of Request Number 2, where we have already provided the requested document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf."

To avoid redundancy and to streamline the document retrieval process, we kindly refer you to our response for Request Number 2, where you will find the document you are seeking. This document includes the necessary information related to Robert Baumann's pay stubs during the specified period.

5. Produce Respondent's No Gossip Policy or any similar policy and/or procedure regarding gossiping, including any documents regarding when this policy was implemented.

RESPONSE: The request for the production of documents, specifically regarding Respondent's No Gossip Policy or any similar policy and/or procedure related to gossiping.

We would like to inform you that the No Gossip Policy, which you have requested, was discussed and implemented at our organization with due consideration for guidelines set forth by the National Labor Relations Board (NLRB). Our intention in crafting this policy was to ensure a productive and respectful work environment, in compliance with the law and the protection of our employees' rights.

The No Gossip Policy was introduced during an employee meeting on 9th August 2022. This policy aligns with the NLRB's rulings and adheres to their guidelines, which we take very seriously. We recognize the importance of allowing employees to discuss work-

related matters, including wages, benefits, and terms and conditions of employment, without interference or discouragement.

To maintain clarity and transparency, our policy clearly is not intended to discourage concerted activity or the discussion of working conditions. It provides specific examples of prohibited conduct, such as abusive and profane language towards another individual not present or in a negative light, to ensure that our employees understand the boundaries of respectful communication.

Additionally, the policy avoids overly broad or ambiguous language, as we understand that ambiguous rules can be construed against the employer. We have taken care to define permissible conduct clearly to encourage a safe and open workplace environment where employees feel comfortable discussing protected activities.

Please see the file labeled “No gossip letter.pdf”.

6. Produce the original documents, including the Word documents, Excel spreadsheets, Microsoft Teams Notes from which such PDF’s originated, with all metadata intact for the following documents you produced in response to the Acting Secretary’s First Requests for Production of Documents: Carson Allman – 4NOV2022 -Termination Letter; Terry Newborn – 4NOV22 Termination Letter; Christine Schreiber Russell Notes; Jim Hoover Russell Notes; Daily Workplace Inspections 1JUNE2022 – 17APR2023; American Tripoli Employee Handbook; Robert Baumann\_American Tripoli Position Offer Letter; and 13OCT2022- Carson Allman – Letter of Reprimand.

RESPONSE: We appreciate your follow-up request regarding the production of original documents, including Word documents, Excel spreadsheets, and Microsoft Teams Notes, along with all metadata intact, for the documents previously provided in response to the Acting Secretary's First Requests for Production of Documents.

As you are aware, we take your requests seriously and have been diligently working to ensure full compliance with your inquiry. It's important to clarify that the documents you have listed, including termination letters, notes, workplace inspections, our Employee Handbook, position offer letters, and letters of reprimand, were provided in PDF format as part of our initial responses.

Regrettably, the documents you requested were initially produced as PDFs, and they were not originally created as Word documents or Excel spreadsheets. Additionally, the information contained in our Microsoft Teams Notes is not stored in a format that allows for direct extraction as Word or Excel documents.

Given the nature of these documents and the format in which they were originally created, we trust that the provided PDFs accurately represent the content and intent of the materials requested. However, if you require any specific information or additional details related to these documents, we are more than willing to assist you in any way possible to address your needs.

7. Produce the training documents you allege were used to provide New Miner Training to Robert Baumann on July 5, 2022.

RESPONSE: In response to your request for the production of training documents related to the New Miner Training provided to Robert Baumann on July 5, 2022.

The New Miner Training for Robert Baumann on July 5, 2022, was documented by Bonnie Bainter, our Safety and Environmental Specialist at the time. Mrs. Bainter followed the established training protocols and utilized a variety of training materials and documents to ensure that Mr. Baumann received comprehensive training in compliance with the required subjects.

It is important to note that during the New Miner Training sessions, trainers like Mrs. Bainter often employ a range of training aids, presentations, and reference materials to cover the necessary topics thoroughly. These training aids and documents may include, but are not limited to, written materials, presentations, handouts, safety guidelines, and other instructional resources. All the training files the company maintains were submitted in the first response files.

Given the dynamic nature of the training process and the need to adapt to participants' questions and specific needs, it is challenging to identify and isolate specific training documents that were utilized during a particular training session. Each instructor may use their own resources that fits best for their class and attendees. Furthermore, our training records encompass a wide array of subjects, which are part of the standard curriculum for New Miner Training, the specific subjects required by MSHA.

While we maintain records of training sessions, including signed forms such as the MSHA 5000-23, we do have a specific set of documents that represents the materials that could have been used during Mr. Baumann's training session on July 5, 2022. The training process is dynamic and customized to address the unique circumstances and questions that may arise during each training session. We would not have a record of the specific questions Mr. Baumann may have asked during the training that may have directed Mrs. Bainter to utilize different training resources.

However, we would like to highlight that Mr. Baumann verified his completion of the documented training by signing the MSHA 5000-23 form, which attests to his acknowledgment of having received the training and his understanding of the subject matter covered during the session on 07/05/2022. This form is a standard practice in our

training procedures, ensuring that employees acknowledge their training and affirm their commitment to safety.

We want to assure you that our commitment to safety and training is unwavering, and we take all necessary steps to ensure that our training programs comply with MSHA regulations and provide our employees with the knowledge and skills required for their roles.

8. Produce documents reflecting the Paid Time Off or vacation leave Baumann had accrued as of April 17, 2023, and any documents reflecting any payments to Baumann for any such accrued Paid Time Off or vacation leave.

RESPONSE: Upon reviewing your request, we have noted that Request Number 8, which seeks "reflecting the Paid Time Off or vacation leave Baumann had accrued as of April 17, 2023", please see document labeled "Robert Baumann Payroll Detail 07.01.22 - 04.21.23 (1).pdf."

9. To the extent you are making a financial hardship claim in this case, produce the following financial records for Respondent:

- a. Respondent's state and federal tax returns for the past three years.
- b. Any Tax Form K-1 for American Tripoli from the past three years.
- c. The balance sheets for Respondent, including year-end assets and liabilities of Respondent from the past three years.
- d. Income Statements, showing all revenue and expense items for Respondent from the last three years.
- e. Respondent's most recent auditor's report and footnotes, including details about the methods used to compile the accounting data.
- f. Any bankruptcy petition(s) filed by Respondent.



- g. Chart of the accounts, disbursements ledgers, journal entries, and general ledger, and accounting work papers for Respondent since June 2021.
- h. Documents showing any loans made to owners or managers of the company from Respondent from the past three years.
- i. Transfers of funds from Respondent to related companies or owners from the past three years.
- j. Transfers of funds from Respondent to any entity owned by any owner of Respondent from the past three years.

RESPONSE: In response to Request for Production No. 14 and in accordance with the financial hardship claim made in this case, please note that while American Tripoli is committed to providing the requested financial records, some records may not be immediately available, and the production timeline may vary depending on the complexity and availability of the documents. American Tripoli will make a good-faith effort to produce the requested financial records in a timely manner. If you have any further specific requests or need additional information, please feel free to contact us to facilitate the process.

- a. See attached submitted tax returns, labeled “MOSENECAMANUFACTURER LLC - 2021 tax returns.pdf, MOSENECAMANUFACTURER LLC - 2022 tax returns.pdf”
- b. N/A
- c. See attached, labeled “MOSENECAMANUFACTURER LLC - 2021 Balance Sheet.pdf, MOSENECAMANUFACTURER LLC - 2022 Balance Sheet.pdf, and MOSENECAMANUFACTURER LLC - 2023 Balance Sheet.pdf”
- d. See attached, labeled “MOSENECAMANUFACTURER LLC - 2021 Income Statement.pdf, MOSENECAMANUFACTURER LLC - 2022 Income Statement.pdf, MOSENECAMANUFACTURER LLC - 2023 Income Statement.pdf”
- e. N/A
- f. N/A
- g. See attached, labeled “9.g. Chart of Accounts.xlsx”

h. N/A

i. N/A

j. N/A

10. Produce an unredacted, complete copy of Russell Tidaback's Microsoft Teams' communications with Jim Hoover from April 17, 2023 through May 7, 2023.

RESPONSE: Please see the following chat:

April 17

4/17 10:51 AM

Changes made. Hopefully you like them.

Jim Hoover 4/17 12:36 PM



What you mean

4/17 12:53 PM

We are making a change... or have made a change.

Unfortunately, we had to let Rob go today. The data shows he wasn't meeting the daily quotas, or responding to John's suggestions and advice.

So... we are going to change how we operate.

When we get back to producing... probably Wednesday... We will have you run the control room.

YOU HAVE TO UNDERSTAND: the daily quota, per the production schedule is 42k lbs per day.

Some days it's 40k, some days 42k...

We cannot keep pushing production days back, and back, and back...

You won't have to do the computer work...

this will be for the Production Assistant...

The production assistant will be responsible for the administrative computer work. You will need to inform this person on how what was produced, how many bags produced, weights, etc. But this can be communicated via Teams.

or in person

each day

Jim Hoover 4/17 1:10 PM



Wait what are we talking about brother..

Jim Hoover 4/17 1:26 PM



So I'm guessing we are going to come to some sort of negotiation because from a year ago or even from June 15 two years ago I have learned more than you can imagine and worked with John on several projects and I know the mill office and I take maintenance to what needs fixed every time I know the flow of the product and will and can do anything in the mill that you ask and have so I want the mill running like it was a year ago and I know I can get those numbers without a doubt when John and I and RJ was running and I had John sit in the mill and had 20 pallets at lunch, it has been held back so we will need to talk before then, I am very confident and what can be produced at this mill.

Jim, you kill me sometimes with these conversations... I have to assume you are referencing a pay increase.

A promotion in pay should be when you have proven yourself in a certain position.

We gave you a promotion last time to do certain things... and you didnt do so well at all of the expected tasks..

Then we had to hire Rob. We didnt want to take pay away from you so we left you at the \$20 /hr.

Now, we are making changes to accomodate or address your short comings with leadership of people, organization, and lack of computer skills.

You wont be managing people. You wont be responsible for using the computer. You will only be responsible for daily production of product, per the production schedule.

Im not saying that you cannot get a pay increase BUT we need you to be successful in this newly assigned position for you to earn a pay increase.

lets give yourself 12 months in this position, successfully meeting the production calendar quotas, getting product successfully out the door, working with John and the rest of the team, again successfully... THEN we can talk about a pay increase.

Jim Hoover 4/17 5:58 PM



So this 12 months again with the mill production like the last time around it wasn't the problem me running the mill that was the problem brother and you know that and so do I also you didn't fill your side of the deal within 90 days like you said . I let that go because I knew you wouldn't hold up your side of the deal. I always bend over backwards to you and Jordan to help you guys and I. The very first meeting you told us we wouldn't go backwards and that is all that has happen accept the boots you have done that for us better but I just bought a different pair because the ones I got from red wings suck, you said we wouldn't go backwards and my pay has my insurance has nothing has went up my pay should of never went down period you have hired maintenance people after maintenance and then they watch me do there job and they are making more than I am for some reason I shouldn't be making less than what I was 2 years ago now for sure I have learned 10 times what I knew 2 years ago when you bought this company and what have I got for this like you said more I learn the better pay comes with learning I got the little mac air problem.fixed back to where it was after 8 maintenance guys look at it and still didn't fix it I run and go right to the problem everytime boss and do everything that you would expect me to do it as loyal to you guys as they come but damn, I know you don't have money coming in I understand that and you have a scroll not paid for but I go in and give my all to keep hour business going, you taking me out of control room and putting rob in there caused more problems than you realize and I'm sure there will be more to come from that with him. he wasn't going to push to get a high count for you and push the fuck to get caught up there were days he didn't have shit running until I saw something then I would go fix it and then go tell him ..

Jim Hoover 4/17 6:06 PM



I have done the mill for a year and I can run it great no questions ask so I think the negotiation that you have just told me isn't correct at all considering the things I do for you and Jordan, im not mad or pissed boss but I do things you don't even know about to keep this place going because one I love my job and two I want this place to be here a whole long ass time after im done and gone you need Saturdays im there you need Sundays I would be there you known will do whatever it takes to get us caught up...

Jim Hoover 4/17 6:12 PM



I'm not arguing with you but we are going to talk about this brother because this isn't a one sided conversation and there why you and I talk and why we are a great team.. I'm not mad or pissed boss but you just assume the worst out of me u guess when we talk.. Rob fucked you over so many times but if I would of told you that you wouldn't of listen to me would you the next one to go needs to be Ronald he calls msha every freaking day and it's bullshit

Worthless



Jim Hoover 4/17 6:19 PM

Anyway I will let you be boss im.sure you are busy, but we need to discuss what you want from me since you just put someone else in there that shouldn't of been there in first place and never lifted a finger to go and find the problem or the solution to fix it.. Anyway I will let you go and we can talk later I have worked with John 7 months and everytime I have ran this mill when rob was gone I got better numbers and know the numbers you want are reachable that is if equipment holds up which I think will just need to get the motor and that would help ten fold

👍 1

Talk to you later brother

👍 1

4/17 6:59 PM

Yep, now out of all that. Prove yourself, and let's get things done.

April 19

Jim Hoover 4/19 8:48 PM

This is some shit boss

👍 1

4/19 8:49 PM

Yes it is!

I am trying my best to get you guys back to work brother.

Jim Hoover 4/19 8:50 PM

If I would of told you this shit was going to happen would you of believed me

4/19 8:50 PM

no, because this should have never happened

what you guys don't see is that we requested an extension...

to resolve these issues when the citation was given to us.

we requested this the day of the citation

Jim Hoover 4/19 8:51 PM

I'm talking as this whole bullshit mega

Msha

Someone that was making it worse

Is what im talking about

4/19 8:52 PM

as we knew it was going to take longer than a week to complete...

what? I don't know what you are referring to.

Jim Hoover 4/19 8:52 PM

Fueling the fire

4/19 8:52 PM

?

Jim Hoover 4/19 8:54 PM

Not getting numbers.. licking main down instead of just locking tube mill out. you lock it down we don't run didn't have to lock mains down

Locking mains

4/19 8:54 PM

Are you referring to Rob?

Jim Hoover 4/19 8:54 PM

Yes

4/19 8:55 PM

yea I don't understand that who thing either...

to me, that was dumb on both Rob and the inspector...

there is a whole big case building on on this...

I've already got Senators involved and the heats coming...

they are fucking with your guys livelihood and that is wrong!

this is fucked up

I am fighting every single citation given...

I am doing everything I possibly can to get you guys back to work and us producing...

Jim Hoover 4/19 8:58 PM

Boss I was trying to tell you straight up months ago but you wouldn't of believed me but out of everyone there you should know my loyalty by now

4/19 8:59 PM

I've never questioned your loyalty Jim.

Jim Hoover 4/19 8:59 PM

The dust collector is firing like a mother fucker

👍 1

Like awesome as fuck

I haven't heard it fire that good in long time

Every 24 seconds

4/19 8:59 PM

that's good... now we just need to get past this air sample

as we've discussed before... maintenance has been the problem... since day one!

Jim Hoover 4/19 9:00 PM

Donaldson every four seconds and little mac every five seconds.

We just need the big mac firing I think it needs a memory board

4/19 9:00 PM

MSHA just compounds the problem 10x but not working with us and being fucking dicks

Jim Hoover 4/19 9:01 PM

100% agree

4/19 9:01 PM

This Keith jackass... he gets his jolly off handing out citations....

this fucker is a snake. When he's around, you'd better watch what you say and do...

he is out to fuck you or anyone else he can

Jim Hoover 4/19 9:02 PM

That is bullshit and you tell me how rob test came back the worst and full of shit you know and I know that was done on purpose and he didn't ever get dirty

4/19 9:03 PM

I don't know what was up with Rob. Why was he disgruntled?

Jim Hoover 4/19 9:03 PM

I don't talk to him really msha guy

👍 1

4/19 9:03 PM

I don't get it...

I talked to Rob repeatedly about having the doors and windows open and the exhaust fans on...

I don't understand why he just didn't do as he was told...

John and I had been discussing him and counseling him for months now...

Jim Hoover 4/19 9:06 PM

I will tell you this I have went around behind and have had to turn on green dust collector green air compressor he doesn't turn on in order and that is how shit has got tore up and im being dead serious

That's was a lot of the problem

4/19 9:06 PM

then we had a guy who was suppose to replace him... he was supposed to start Monday and the fucker didn't show up for the training or call or respond to calls... nothing.

I knew Rob was lacking... but didn't know it was that bad.

I don't like letting people go but at some point... you just gotta cut the cord

this is why I think the best thing to do is ha e you in the control room... possibly the 6am-230pm shift like we talked before...

Jim Hoover 4/19 9:08 PM

You can't start the flour elevator first thing man he was doing that I said rob it's going over the screens and screens aren't moving yet he said he was doing it that way I said well your going to fuck it up

4/19 9:09 PM

have a shift lead do all the shipment QC, time keeping, computer work etc...

good point about the flour elevator

that might be why the screens deteriorated so fast...

holding the weight of the cold material...

ripping the edge...

until the system heated up...

Jim Hoover 4/19 9:11 PM

There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't take one hour and thirty minutes to clean out it takes 20 minutes period (FACT) .

That is correct

I would go up there and blow of that shit to get what we got

4/19 9:12 PM

Jim Hoover 4/19/2023, 9:11 PM

There is a order to do this shit and it's in place for a reason I turn on and turn off same way everyday no questions ask and it doesn't...

Yep, I agree. I believe Rob was just being lazy

We will fix this...

I believe we learn from each new person we go through there...

Jim Hoover 4/19 9:13 PM

I was fighting a battle that shouldn't of been there you know



4/19 9:13 PM

Jim Hoover 4/19/2023, 9:13 PM  
I was fighting a battle that shouldn't of been there you know

I know now...

we are going to try things different now...

Jim Hoover 4/19 9:13 PM

That's why I would take off running to top floor and unclog shit

🔥 1

Number one priority shit has to be hot

4/19 9:14 PM

to get better you have to make mistakes and learn from them.

Jim Hoover 4/19/2023, 9:14 PM  
Number one priority shit has to be hot exactly

Jim Hoover 4/19 9:15 PM

I told him a thousand times rob it has got to be hot if that yellow pipe is not hot you will have problems he didn't understand hot

🔥 1

I took Jeremy over to pipe said put hand on this you want to know the secret about Tripoli this is it, he said fuck that is hot as fuck I said that's the secret lol

4/19 9:17 PM

I don't think he or anyone else (MSHA fuckers) are understanding that when it's hot, the material flows like water and doesn't create a lot of dust in the air.

Jim Hoover 4/19/2023, 9:16 PM  
I took Jeremy over to pipe said put hand on this you want to know the secret about Tripoli this is it, he said fuck that is hot as fuck I...

yep... that is the secret!

but we need to be efficient with the heat... we spend anywhere between \$8k - \$20k a month on natural gas for that heat.

Jim Hoover 4/19 9:18 PM

That's the difference between rob and me he didn't understand the material or the flow of the product or what breaker fixed what and so on you know you got to know that to run the mill .

4/19 9:19 PM

I don't think he was taking the time to learn it either...

Jim Hoover 4/19 9:19 PM

Once it gets hot you back down to where the percent can be as low as 60% and still hold best

4/19 9:19 PM

I think he had the best intentions at first but something feel apart. What? I don't know.

Jim Hoover 4/19 9:19 PM

Heat

4/19 9:19 PM

Jim Hoover 4/19/2023, 9:19 PM  
Once it gets hot you back down to where the percent can be as low as 60% and still hold best

yep, I agree.

If we make it through this MSHA bullshit and get back to producing... part of our plans before it gets cold again is to enclose the classifier elevator etc outside...

To retain the heat when it's cold outside...

this winter was a bitch...



Jim Hoover 4/19 9:21 PM

 Jeremy is smart as hell to fixing shit and working on it for real I like the hell out of him we worked on dust collector today sharp he worked out on oil rigs where my brothers did but at different times

Boss I will be honest with you if you don't mind me saying

4/19 9:22 PM

That's cool, I like him too, I just hope he isn't a sprinter and can keep up the work ethic for the long haul

Jim Hoover 4/19/2023, 9:22 PM

Boss I will be honest with you if you don't mind me saying

yes, this is a private chat, I always want you to be honest with me.

I may not do as you say or think that I should do but I do appreciate your input.

Jim Hoover 4/19 9:24 PM

 We never EVER took days off because cold its been below zero and the shit ran just fine we just have to have people get their earlier and tube mill running early to get hot

We have got to get the dry insulated this summer at some point

4/19 9:25 PM

I do not like to make decisions solely based on my opinions, I want feedback so I can make the best decision I can

Jim Hoover 4/19/2023, 9:24 PM

We never EVER took days off because cold its been below zero and the shit ran just fine we just have to have people get their earlier...

I agree

Jim Hoover 4/19/2023, 9:25 PM

We have got to get the dry insulated this summer at some point

I agree... the maintenance team and John are discussing it.

Jim Hoover 4/19 9:29 PM

 I promise you we do not need to shut down if its below 45 that's crazy talk the tube mill needs to be running everyday possible including Saturdays tell these orders are caught up my opinion just saying Sundays if need be but these customers have waited long enough damn brother 6 months who is going to wait 6 months from something to be delivered from Amazon NO ONE!! SO Let's get this shit out the door

 1

That's what I think about all this bullshit going on

 1

Jim Hoover 4/19 9:40 PM

 Boss the palletizer I know you don't like it because old and all but less than a year ago I packed and put 140 bags a hour on myself that's why I know the numbers, also I will tell you this if we stack five highs on the palletizer two people would have to be down there and I would have to stop bagging because they couldn't keep up man couldn't keep up with the machine so I know 100 percent that is not the problem yes it's old but that bitch will run you just have to love on her you know

4/19 9:47 PM

its not that I dont like the palletizer... its just hard to get replacement parts for,

Jim Hoover 4/19 9:49 PM

 She will run if we take care of her

4/19 9:49 PM

Just like this motor... there were none available when ours went bad. There was one available but no gear...

Jim Hoover 4/19 9:49 PM

 Just like tube mill it will last as long as we take care of her you know

4/19 9:49 PM

I have found a couple but they are the 3HP and not the 5HP.

Jim Hoover 4/19/2023, 9:49 PM  
Just like tube mill it will last as long as we take care of her you know

I know... the problem since we bought the company has been maintenance personnel.

plain and simple

Jim Hoover 4/19 9:50 PM

Jeff had one ordered but not sure where he had it ordered from

Correct

Motor for palletizer

4/19 9:51 PM

we have a good team now... we just need to get through the MSHA. BS... understand WHY I tell you guys to do the shit on the board in the breakroom...doors and windows...

and get back to producing...

It isnt that we dont have Sales... we have plenty of sales....

we just cant seem to get a break on the production side.

Jim Hoover 4/19 9:52 PM

Oh I know we could have more if you open the flood gates

👍 1

4/19 9:52 PM

Common sense would tell you... no product going to the customers means no money coming in to replace equipment, parts, etc

Jim Hoover 4/19 9:52 PM

But producing is killing us and msha

I agree

4/19 9:52 PM

Jim Hoover 4/19/2023, 9:52 PM  
Oh I know we could have more if you open the flood gates

OH YES WE COULD!!!

This is why we need to follow the instructions given... to make sure MSHA stays off our back

so we can produce...

Jim Hoover 4/19 9:54 PM

I know your philosophy I believe you that's why im still here

4/19 9:54 PM

but think about it... we have been through a lot of people this past year...

Jim Hoover 4/19 9:54 PM

To many

4/19 9:54 PM

you are our most experienced person...

you cant run the entire show off of one persons experience.

Jim Hoover 4/19 9:55 PM

I know I have learned that one loud and clear

4/19 9:55 PM

This is why its good that Patrick has hung around, John has hung around, Max...

we need RJ to stick around and work

Jim Hoover 4/19 9:55 PM  
 I was showing pat the control room 2 weeks ago and the flow of things  
 4/19 9:55 PM  
 we need Ronnell to mature some, grow up and hang around  
 We need Jessie to hang around and do his part...

Jim Hoover 4/19 9:56 PM  
 He needs to stop calling MSHA  
 4/19 9:56 PM  
 EVERYONE needs to stop calling MSHA

Jim Hoover 4/19 9:56 PM  
 No shit  
 Pisses me off  
 4/19 9:56 PM  
 I cannot terminate Ronnell just because he has called MSHA  
 Jim Hoover 4/19/2023, 9:56 PM  
 Pisses me off  
 Me too!

Jim Hoover 4/19 9:57 PM  
 I have been there along time and never have called them  
 4/19 9:57 PM  
 He will either get on board on he will get fired.  
 I know Ronnell is looking for work elsewhere...

Jim Hoover 4/19 9:58 PM  
 I will go for second one one  
 4/19 9:58 PM  
 I see his FB posts and even called him out on it.

Jim Hoover 4/19 9:58 PM  
 What you mean  
 LAZY LAZY LAZY BAD  
 I was wrapping ten highs today and he wouldn't even do that he thought to high I guess so I said I will do it if your worried about it  
 4/19 10:00 PM  
 he's such a pussy.

Jim Hoover 4/19 10:00 PM  
 I'm saying lazy he was in break room a lot  
 4/19 10:01 PM  
 Let john know... so John can counsel him and we can let him go

Jim Hoover 4/19 10:01 PM  
 I heard him say I wish dozer would get fixed  
 4/19 10:01 PM  
 He doesnt know it yet but we have a new quarry guy starting Monday...  
 Ronnells dozer days are pretty much done for a while

Jim Hoover 4/19 10:01 PM  
 I already did today he saw him in there eyes shut im pretty sure to me he is dead weight  
 Don't need him don't want him but I will make him or break him I will give him a chance and see if he can step up to plate  
 Like I always tell you I know who the next one will be brother



4/19 10:04 PM

Share with John your thoughts and what you see, in private of course.

I have no problem letting go dead weight.

Jim Hoover 4/19 10:05 PM

I always talk to John I really respect John damn good man

We talk in private a lot brother

4/19 10:05 PM

we just have to do the right process and the right thing. Counsel him and then let him go.

Jim Hoover 4/19/2023, 10:05 PM

I always talk to John I really respect John damn good man

I agree and that is good you guys talk.

Jim Hoover 4/19 10:05 PM

Our daughters are same age

4/19 10:06 PM

I didnt know that.

Jim Hoover 4/19 10:06 PM

He calls his daughter Button lol

🤔 1

Boss im telling you if that palletizer was going and msha wasn't on our ass being dicks I would gamble and say the equipment is at point when we would be running over 60K or better I haven't been able to talk to you but after I got the little mac suction going it takes longer that fuck to get the socks to fill-up on flour elevator

4/19 10:11 PM

yep, we will get there.

Jim Hoover 4/19 10:11 PM

I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know for a fact it is doable

4/19 10:12 PM

I too believe that we will start doing really well once we get past this MSHA BS. This shit has been going on with them since January..

Jim Hoover 4/19/2023, 10:11 PM

I only ran one day for 3 hours I set up for John when rob wasn't there and it was John rj and myself and we kicked ass so I know f..

That was the deciding factor for John and I to terminate Rob.

Jim Hoover 4/19 10:12 PM

Yes it's costing me money and I don't like that

4/19 10:13 PM

Yes, it is! It really is...

Jim Hoover 4/19 10:14 PM

Oh shit my bad doesn't mean for him to look bad I just ran it like I do there is no other way to run it accept full throttle

I didnt mean to make him look bad I mean

4/19 10:14 PM

Nope... John and I were discussing Robs issues a long time ago... we just didnt know how to approach it.

You just put the icing on the cake.

Jim Hoover 4/19 10:15 PM

Oh shit

4/19 10:15 PM

It had nothing to do with you.

We knew there needed to be change but wanted to give the guy an opportunity to fix the issues we were seeing.

He didnt make improvement and... got terminated,

Jim Hoover 4/19 10:16 PM

I mean I had to tell him to put rock in to charge tube mill it was below 50 I said damn man we got to charge this

4/19 10:16 PM

yep, thats why he is no longer with us.

Tomorrow is a new day

Jim Hoover 4/19 10:17 PM

Yes sir

So are we going to do Saturdays or what's your game plan after this horse shit with msha when can we start running production

Jim Hoover 4/19 10:26 PM

Tomorrow is a new day also attitude is 95% of how your day is going to turn out good or bad, have good attitude have great day have bad attitude have bad day try learning something new everyday challenge yourself and things will be okay I have learned one day at a time brother

Sometimes hour by hour lol

4/19 10:26 PM

So... for the next two days we are only allowed to run to make repairs and adjustments to the filtration systems and the engineering controls (windows, doors and exhaust fan)

We will run as normal, get the system hot, produce and bag as instructed by Jessie and John.

Jim Hoover 4/19 10:27 PM

Good or bad we are in it together so let's just get this shit done and go sit on the beach

Sounds good to me

4/19 10:28 PM

We will need to stop the feed at noon, let maintenance do their checks, adjustments, and any repairs needed. Then we will start the feed again and produce until 3:30 as normal, shut down, let maintenance do their checks, adjustments, and any repairs needed.

and repeat Friday.

Jim Hoover 4/19 10:31 PM

Okay wait a second I was told we are doing a whole lot of cleaning tmrw so we are running from 8-12 then let them do there things then run tell 3:30 ?

4/19 10:31 PM

just follow Johns guidance tomorrow.

Jim Hoover 4/19 10:31 PM

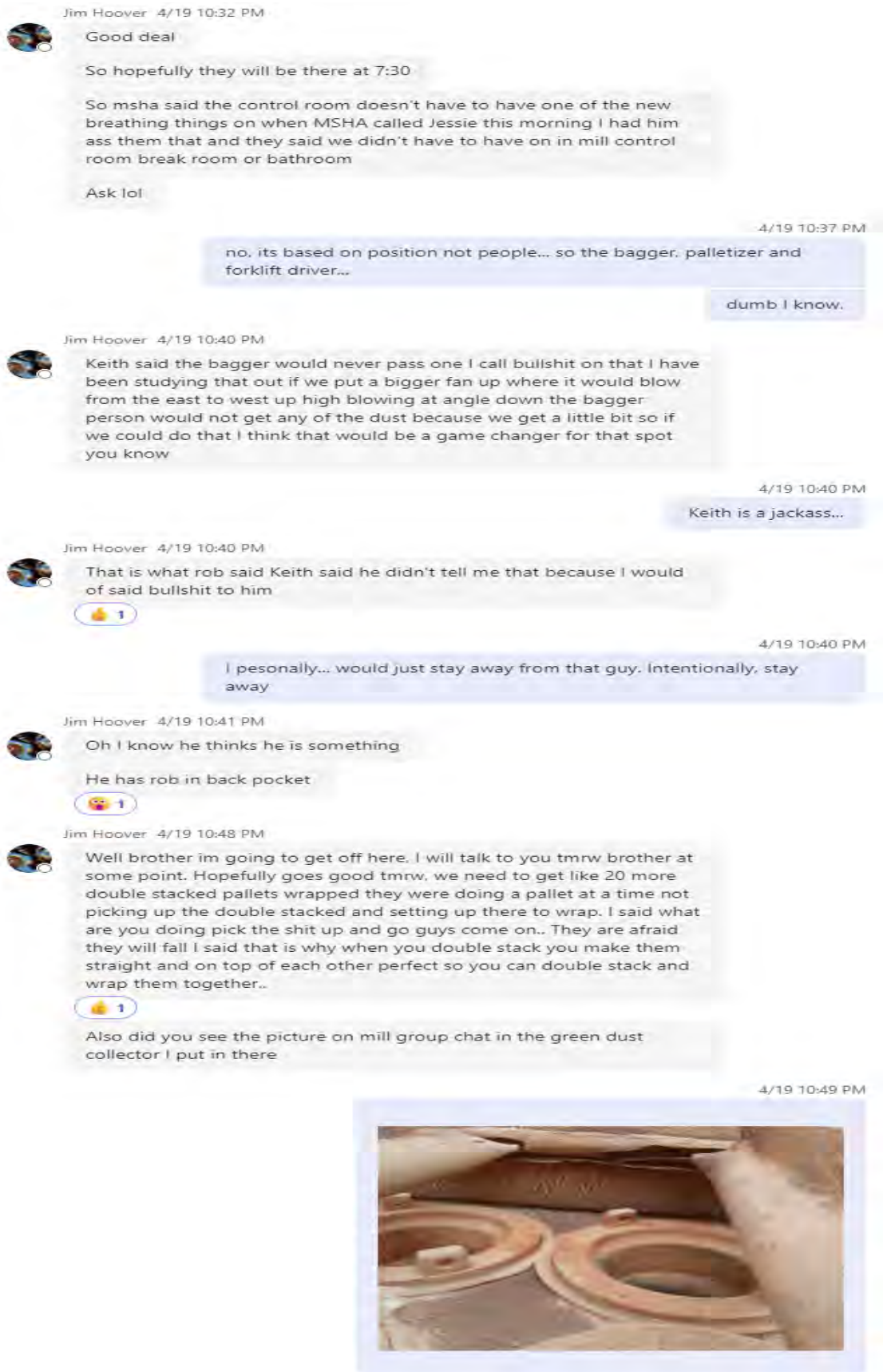
Okay

So did you get assholes to let us take locks off yet

Msha I mean lol


4/19 10:32 PM

tomorrow morning...





Jim Hoover 4/19 10:50 PM



4/19 10:50 PM

I dont know what that is.

Jim Hoover 4/19 10:51 PM

Those bars running across there with the holes facing down into the socks

That's the bars on side that hold them up they are all rusted out bad and one of those bars falls out of the slots

4/19 10:52 PM Edited

You'll need to show Ryan/Jeremy

Jim Hoover 4/19 10:53 PM

Jeremy and I were discussing it today when we were up there

I just wanted you to be aware of it to put your thinking cap on about what you think you would want to do with it if that is replaceable at some point

I'm sure Jeremy can design something he is pretty awesome at that shit he is by far better than anyone you have had in past as far as hands on and getting shit done ten fold

April 20

4/20 7:29 PM

Better day?

April 28

Jim Hoover 4/28 8:49 AM

We are rolling

4/28 8:50 AM

Hey hey brother... let's do good things okay. Have a good day

Jim Hoover 4/28 8:50 AM

No dust either

We will boss

I gotcha you

4/28 8:51 AM

We need you to make that place rock and roll. I need the justification since Robs complained to MSHA about being let go...

just need you to put the cherry on the cake that's all.

Jim Hoover 4/28 8:58 AM

Alright I will do my best we are rocking I haven't shut feed off yet and socks are still down so that's good

4/28 8:59 AM

RJ & Patrick bagging?

Jim Hoover 4/28 9:01 AM  
Yes sir



4/28 9:02 AM  
pretty steady?

Jim Hoover 4/28 9:02 AM  
Yes sir



Im going to put load of rock in Saturday or Sunday going to have Rj jhelp me

Also still feeding socks still down whoop whoop

Jim Hoover 4/28 10:09 AM  
8 ,000 pounds first hour



Jim Hoover 4/28 12:26 PM  
On pallet 15



4/28 12:56 PM  
Make sure to share this info in the Mill Group Chat.  
Keep your and I chat as personal private.

Jim Hoover 4/28 1:38 PM  
Ok

Jim Hoover 4/28 10:10 PM  
Hey Brother how was your day

4/28 10:10 PM  
Good and you?



Jim Hoover 4/28 10:11 PM  
Oh well , not to bad

I think you will be happy with the number we got for today

4/28 10:12 PM  
I heard... 52k lbs. Fucking ridiculous!!!!



Jim Hoover 4/28 10:12 PM  
No we got 56  
28 pallets

4/28 10:13 PM  
Oh shit. that's awesome!




Jim Hoover 4/28 10:13 PM  
 Not to bad, ran like gravy

4/28 10:14 PM  
 That's awesome. You feel good about that.

Jim Hoover 4/28 10:15 PM  
 Not one over flow or anything  
 1  
 Oh well we could of done a couple things different . but first day we for sure are moving in right direction




4/28 10:17 PM  
 Like what?

Jim Hoover 4/28 10:21 PM  
 we just need another body out there because I packed 99% of the bags and ran the mill but I temped out a couple of times when I was bagging it kicked out, but the other person would be labeling and wrapping because they didn't get labeled or wrapped yet.  
 But I'm not complaining for first day they did pretty good.




4/28 10:22 PM  
 I agree. Hopefully by next week. 2 peeps applied today so that's good...

Jim Hoover 4/28 10:23 PM  
 For sure , John helped out a lot and so did Jeremy


4/28 10:23 PM  
 that's good.

Jim Hoover 4/28 10:27 PM  
 Jeremy stacked for me , he went over to yellow air pipe and felt pipe and goes damn . I said now you know secret to tripoli now .  
 1  
 He couldn't believe the difference in flow  
 1


4/28 10:28 PM  
 yep...gotta be hot to flow

Jim Hoover 4/28 10:28 PM  
 He is damn good maint.  
 1  
 Ryan I think is great in his own way  
 1  
 As well


4/28 10:29 PM  
 Me too. He's just quiet

Jim Hoover 4/28 10:29 PM  
 He is more electronic and Jeremy more hands on get shit done  
 1  
 Well maybe at first lol  
 We would of Dust test today boss  
 100% for sure  
 The environmental lady came by did you hear about this


4/28 10:33 PM  
 Yep from what I understand she was very pleased as well

Jim Hoover 4/28 10:33 PM  
 Yes sir


4/28 10:34 PM  
 Jim Hoover 4/28/2023, 10:31 PM  
 We would of Dust test today boss  
 all good, leta just repeat that one Monday

Jim Hoover 4/28 10:36 PM  
 We would of passed the Dust Test I mean . For sure will do as well or better


4/28 10:36 PM  
 Yep, we will get it monday

Jim Hoover 4/28 10:37 PM  
 The low bin light didnt come on one time before noon .



4/28 10:37 PM  
 Hmmm...

Jim Hoover 4/28 10:41 PM  
 Boss have good evening just wanted you to have some positive things from here I'm sure it has been awhile you know . also just wanted to thank you and Jordan for the paychecks im sure you haven't heard that in awhile but appreciate you guys hanging in there for me but us as a team .


4/28 10:41 PM  
 Brother, it's been tough. But we will get better  
 have a good night

Jim Hoover 4/28 10:47 PM  
 Thank goodness you two are tougher than the situation you know .


4/28 10:48 PM  
 I'm glad you think so. I dont do failure very well..

Jim Hoover 4/28 10:53 PM  
 I have noticed that lol ... As Im not a person that gives up and just quits when times get rough  


May 1


Jim Hoover 5/1 5:07 AM  
 Hey I can text you private brother it's locked on adm. Side and mill side under mine anyway


5/1 6:28 AM  
 Did you call John?

Jim Hoover 5/1 6:04 PM  
 Hey Brother

5/1 6:33 PM  
 What's up.


May 2

Jim Hoover 5/2 9:12 AM  
 Hanger Bering out on scroll bringing all the dust collector product in saw when doing walk thru this morning Jeremy is fixing it now . we have product coming out of finish pipe on outside from fourth floor socks one must have hole in it but blowing product out of it .

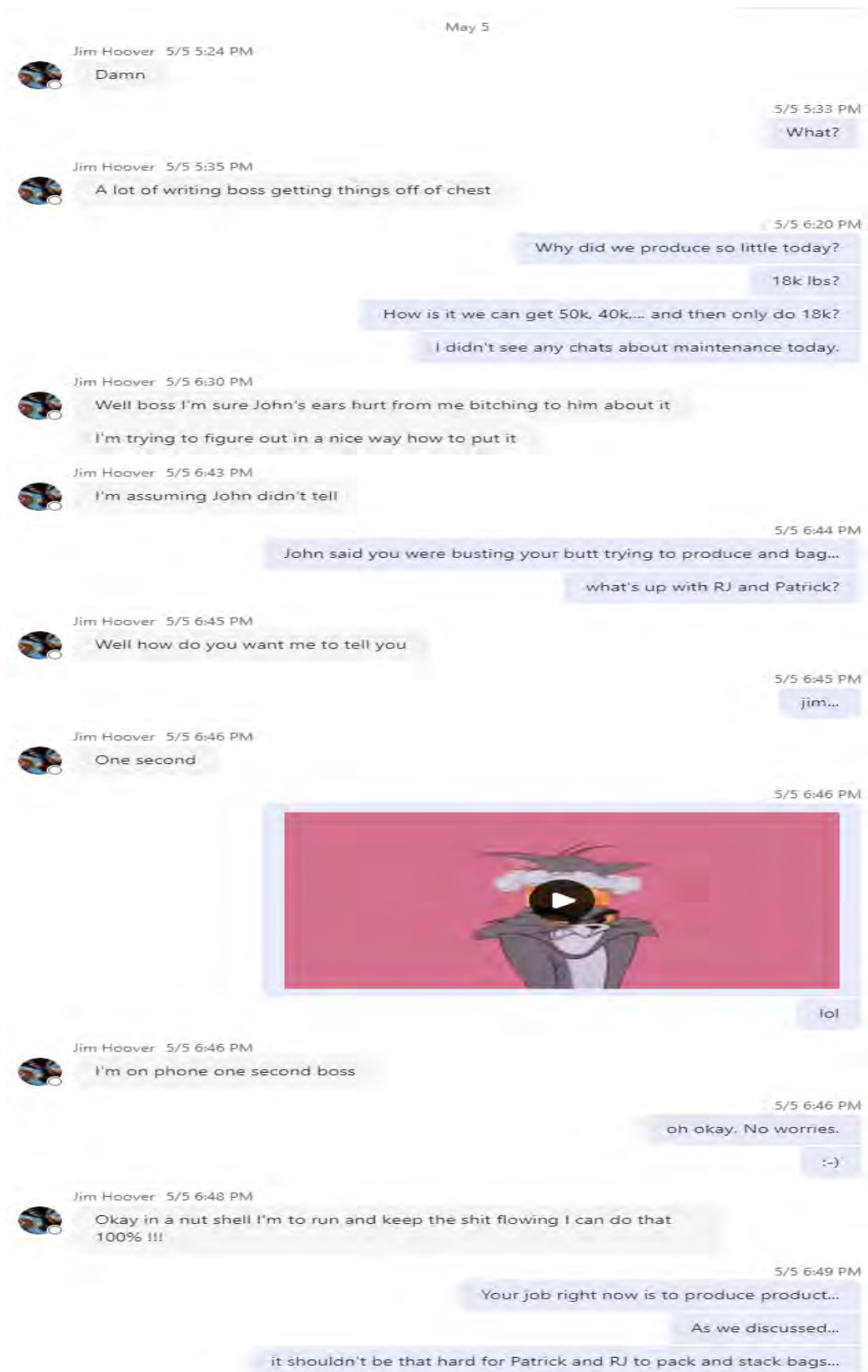
Jim Hoover 5/2 6:16 PM  
 Hey  
 Where is it to where I can text you private

5/2 7:30 PM  
 This is private, Just me and you.

May 3

Jim Hoover 5/3 8:52 PM  
 Hey boss

5/3 10:16 PM  
 What's up



Jim Hoover 5/5 6:49 PM

What I have a problem doing is I haven't to do the control room , then I go and pack bags , then I go hand stack then I go wrap the fucking pallets

I can't be in four places at once

5/5 6:49 PM

that's exactly what John said...

Jim Hoover 5/5 6:49 PM

I'm not cussing at you

👍 1

5/5 6:50 PM

you can't do it all

Jim Hoover 5/5/2023 6:49 PM

I'm not cussing at you

I know. I'm not taking it that way.

Jim Hoover 5/5 6:50 PM

But I know boss but if you need a number it's my job to make sure it's done

5/5 6:50 PM

I'm upset with RJ and Patrick

Jim Hoover 5/5 6:50 PM

You don't know how pissed I am

5/5 6:50 PM

Jim Hoover 5/5/2023 6:50 PM

But I know boss but if you need a number it's my job to make sure it's done

yep and I'm not faulting you.

I just don't understand...

Jim Hoover 5/5 6:51 PM

At 3oclock I shut it off

😡 1

5/5 6:51 PM

what's up with these two guys...

I don't understand...

Jim Hoover 5/5 6:53 PM

Because I was wasting your money by running product then going out and bagging 4 bags then running around over there and stacking them so I said fuck it and I went and staged SO-323 A.B they are ready and weighed

5/5 6:53 PM

I guess we're are going to have to hire some contractors...

Jim Hoover 5/5 6:54 PM

They were pissed about there hours

5/5 6:54 PM

if RJ and Patrick pull this BS Monday, they are done.

what about their hours?

Jim Hoover 5/5 6:54 PM

John had a talk with them I think

5/5 6:54 PM

they were offered to work this weekend and turned it down.

Jim Hoover 5/5 6:54 PM

I was staging the orders



5/5 6:55 PM  
I can't help people who don't want to help themselves

Jim Hoover: 5/5 6:55 PM  
And I'm going to work tmrw

5/5 6:55 PM  
you can't go in by yourself

Jim Hoover: 5/5 6:56 PM  
I have got to get some room people fucking run into pallets some how  
fn stupid  
I know that boss  
👍 1  
You think I'm new hire lol  
👍 1

5/5 6:56 PM  
Make sure you work it out with John

Jim Hoover: 5/5 6:57 PM  
I already told him I will call him later I was pissed

5/5 6:57 PM  
PLUS... gotta wear that fing mask

Jim Hoover: 5/5 6:57 PM  
Only if we are running  
No machine is running

5/5 6:57 PM  
oh that's right...  
you are right.

Jim Hoover: 5/5 6:57 PM  
I think John and myself could run more by ourself

5/5 6:58 PM  
I agree  
I don't understand what up with Patrick. Do you?

Jim Hoover: 5/5 6:59 PM  
I get it they are tired of stacking I get it but they go to break lunch or  
whatever and they watch me go in control room keep in running go  
and put bags on them go stack them and move them with fork truck so  
tell me what the fuck is wrong with this picture brother  
I'm 50 and out work these two figure this one out

5/5 7:00 PM  
Yeah I don't understand where the laziness comes in...

Jim Hoover: 5/5 7:00 PM  
In a nut shell that is why we only got 18 John wasn't there to help me  
with the control room  
But also I kept on having to go in control room because the product  
was damp or was different than normal and temperature dropped fast  
as shit you know  
Not making excuses for this just telling you

5/5 7:03 PM  
oh yeah I understand...  
I just don't understand wtf is up with these two guys...  
we have the palletizer motor on order...

Jim Hoover: 5/5 7:04 PM  
I know my job is to produce what you need me to do but am I to tell  
them to speed the fuck up or what I know what you ask of me as to  
keep the shit going if I just do that it will be on the floor  
👍 1

Jim Hoover 5/5 7:04 PM

I know my job is to produce what you need me to do but am I to tell them to speed the fuck up or what I know what you ask of me as to keep the shit going if I just do that it will be on the floor

👍 1

5/5 7:04 PM

we can make them ship it any fmg faster...

you are doing fine... just keeping working with john...

Patrick and rjs days are probably done.

if they don't want to work then we will just get rid of them.

I told John to have a talk with all the guys...

on Monday morning

Jim Hoover 5/5 7:06 PM

Good deal...

5/5 7:06 PM

it's everyone's responsibility to ensure product gets produced and out the door..

if this doesn't happen everyone's job is in jeopardy.

too simple

Edited

we will replace those that don't want to work with the rest of the team

Jim Hoover 5/5 7:07 PM

I know without a shadow of doubt we can produce more than 50 thousand

👍 1

If we can just hang in there tell that motor

5/5 7:07 PM

I believe we can too... just need the right people with the right attitudes

the motor or palletizer shouldn't be the crutch...

I'm sure the motor will be delivered next Thursday, I believe

Jim Hoover 5/5 7:10 PM

I think there is other issues going on also

5/5 7:10 PM

What issues?

Jim Hoover 5/5 7:10 PM

If it was Rj and myself it's good

If it's pat and myself it's good

5/5 7:10 PM

??

RJ and Pat don't get along?

Jim Hoover 5/5 7:11 PM

But it's like those two together it's like pat and Landry if you get what I'm saying

Yes they get along to good



5/5 7:11 PM

??


Jim Hoover 5/5 7:11 PM

It's like if me and you are working we get shit done right


👍 1

Jim Hoover 5/5 7:11 PM  
 It's like if me and you are working we get shit done right  
 1



5/5 7:12 PM  
 who's making who lazy?  
 who's the bad seed?

Jim Hoover 5/5 7:13 PM  
 No grab assing just work right that is not the way it is if they are together


5/5 7:13 PM  
 or should i ask... who's next jim?  
 lol  
 50 = 50 guess or???


Jim Hoover 5/5 7:14 PM  
 That's funny shit  
 Well I will say this I could tell you that

5/5 7:15 PM  
 but...???  
 what's your guess?

Jim Hoover 5/5 7:15 PM  
 It's no guess  
 1

5/5 7:16 PM  
 I gotta run here in a few minutes...  
 who do you think "is next"?

Jim Hoover 5/5 7:18 PM  
 But If I tell you something you can not do anything about it , also you don't pay me enough to put up with this bullshit that happen I will talk to you in a bit boss text me when you are done  
 I'm serious  
 Text me later okay

5/5 7:19 PM  
 Tell me now... I'll be out for a couple of hours... probably after midnight.  
 You've got my attention... what's up?  
 jim???  
 Playing games huh???  
 unprofessional...  
 you don't end a conversation that way  


May 6

5/6 12:24 AM  
 So???

5/6 9:21 AM



May 7

Jim Hoover 5/7 1:31 PM  
Hey sorry boss

5/7 1:32 PM  
lol...slacker. 🤔

Jim Hoover 5/7 1:32 PM  
I will take care of the situation brother

5/7 1:32 PM  
How was your weekend?  
What was/is the situation?

Jim Hoover 5/7 1:36 PM



Oh same as always doing some things with Kennedy she walked up to me Saturday morning and gave me this

5/7 1:36 PM  
So cute!

Girls will always love their dad!

Jim Hoover 5/5/2023, 7:18 PM  
But If I tell you something you can not do anything about it , also you don't pay me enough to put up with this bullshit that happen...

Jim Hoover 5/5/2023, 7:10 PM  
I think there is other issues going on also

What issues are you referencing?



Jim Hoover 5/7 1:40 PM

And this with a bracelet it was good I never think I'm doing enough for her that's for her we go on long walks in evening I got that good advice from you and Jordan and you don't think I listen to you.

👍 1

Well the Friday thing that was a problem

5/7 1:41 PM

just like planting a seed. If you take care of it while its young then it will grow bountiful.

the time you spend with her now, will pay off in the long run.

sometimes its hard to see but the simple things matter the most.

TIME/memories is more important than any object that can be bought.

Jim Hoover 5/7 1:43 PM

Pat is going thru some shit not good but we had a talk Saturday I can't go into detail because I just can't it wouldn't be a good thing but he surprised me after the fact of what happen but long story short I will nip it in the bud

👍 1

True story

Boss this Msha thing can I speak to you freely without you thinking I'm on there side because I'm not I always tell you what I hear

Those other guys think I'm a company man , if you want to call me that for doing what I do then I guess I am but I know that you ask of me to get a certain number and I know how to do that and she happens and I'm pushing them to get there ass in gear and I'm going out there and packing bagging and hand stacking and fork trucking pallets because I know if I don't go out and do that it will over flow that's how I run it I don't shut it off tell it can't handle no more you know but the shit is hot and I can't touch the yellow pipe you know

5/7 1:57 PM

Its not necessarily a MSHA thing or a "company man" thing...

hear me out...

Do you remember me talking with you a long time ago about Robs general negative attitude about everything?

Jim Hoover 5/7 1:58 PM

I didn't read the book on it rob telling them something and it not being true brother

Oh I know

You didn't have to tell me I worked with him

Or around him more less

5/7 1:59 PM

Well, IMO, this attitude bled over to RJ and I do believe Carson and Terry... then Patrick, and probably Gage too

John and I both spoke to Rob about it many times...

Jim Hoover 5/7 2:00 PM

I had to go behind and fix shit

5/7 2:00 PM

he wanted to blame you guys all the time about not being able to get things done

stupid things like... cleaning the bathroom.

He lacked leadership skills

Jim Hoover 5/7 2:01 PM

I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer

Jim Hoover 5/7 2:01 PM

I didn't know you all did I was trying to stay in my lane but I didn't want to be down longer

I agree

5/7 2:01 PM

I told him he needed to get use to reading online books

he told me he didnt like reading online

he was advised to take some leadership classes online...

I gave him plenty of resources to read about.... plenty of free classes

Jim Hoover 5/7 2:02 PM

Oh wow

5/7 2:02 PM

Then the whole MSHA thing in February...

Jim Hoover 5/7 2:02 PM

Oh he fucked us over on that deal sorry for cussing

5/7 2:03 PM

thats when Rob started to really buck back against what John was telling him to do

Jim Hoover 5/7/2023, 2:02 PM

Oh he fucked us over on that deal sorry for cussing

Oh I know...

again... we had to prioritize things...

Jim Hoover 5/7 2:03 PM

He was yelling at john alot screaming

5/7 2:03 PM

we were constantly looking at how to replace him

Alex was being trained to replace Rob...

then Alex quit

Jim Hoover 5/7 2:04 PM

Wow

5/7 2:04 PM

We thought Kensley could...maybe... but she didnt work out either...

so, then we hired this last guy... what a f-ing hassle

We have requested MSHA to give us an exception to policy and let us fall under the Part 46 training requirements...

that way we would just have to provide 4 hours of initial safety training and then have the guy start working...

this way if he/she decided it wasnt for them we werent out the 3 days paid training AND the \$250 - \$400 instructor expense for EACH new hire.

MSHA is f-ing choking us out...

Rob's issues go way back. even before starting days...

Christine wanted to replace him...

Jeff didnt like him

Jessie didnt either...

Carson thought Rob was lazy

Jim Hoover 5/7 2:09 PM

Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

5/7 2:09 PM

Rob's problem was he didn't want to take the advice of anyone else and thought he knew it all.

Jim Hoover 5/7/2023, 2:09 PM  
Man if you put all his days together he wouldn't get as Dirty as Jordan working one day brother

Oh I know...

and now...

that he has made a friend at MSHA... Keith... Robs a fool to think Keith is his friend.

Im just glad Rob is gone. That was a longggg time coming.

Jim Hoover 5/7 2:12 PM

Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after the third day there when he started he told my guys I didn't know anything , and then he comes and ask me shit 2 seconds later I just blew it off

5/7 2:12 PM

August of last year. Christine was telling me we need to replace Rob.

Jim Hoover 5/7 2:13 PM

I could of told you boss but you wouldnt of believed me.

5/7 2:13 PM

Jim Hoover 5/7/2023, 2:12 PM  
Rob didn't know a thing .... My opinoin he would always come and ask me what to do or how to fix it I really wanted him to burn after...

yea, he was full of himself. I could see it back when we were having screen problems...

Jim Hoover 5/7/2023, 2:13 PM  
I could of told you boss but you wouldnt of believed me

Its not that... its there are a lot of other pieces moving behind the scenes too.

Jim Hoover 5/7 2:14 PM

I see these people come and go brother

Everyone of them

5/7 2:14 PM

See, im having to now fight MSHA because Rob thinks he was discriminated against

Jim Hoover 5/7 2:14 PM

I can tell you in the first 2 days if they will make it because of all the hear say bullshit

👍 1

5/7 2:15 PM

I just dont understand why they cant just do what they are asked to do...

Jim Hoover 5/7 2:15 PM

Well probably are to lazy mother fuckers I can't stand shit like that

👍 1

Lol

Do you want to know what he told me

5/7 2:16 PM

I just hope Patrick and RJ arent too infected by his BS

Jim Hoover 5/7/2023, 2:16 PM  
Do you want to know what he told me

whats that?

Jim Hoover 5/7 2:17 PM

That you wanted to fire me long ass time ago then when Sara was here he told me again



That you told him this

5/7 2:17 PM

Jim Hoover 5/7/2023, 2:17 PM  
That you wanted to fire me long ass time ago then when Sara was here he told me again

uh, no Rob and I were never that close...

Jim Hoover 5/7 2:17 PM  
I said well it's his company to do with what he feels will help the company

I didn't lose any sleep over it brother

5/7 2:18 PM

I have only mentioned letting you go when you were having feet problem and not showing up to work as scheduled.

As ive told you before, its not personal

Jim Hoover 5/7 2:18 PM  
I know I got a new pair of boots by the way lol

Alot better now

5/7 2:19 PM

I like you. or we wouldnt be chatting like we do...

Jim Hoover 5/7 2:19 PM  
I know

5/7 2:19 PM

Jim Hoover 5/7/2023, 2:18 PM  
I know I got a new pair of boots by the way lol about time.

did you get to see a foot Dr?

Jim Hoover 5/7 2:19 PM  
Wolverines

I went to Dr. Just the one in Seneca

5/7 2:19 PM

Hey if thats what you like... then thats your decision

Jim Hoover 5/7 2:20 PM  
Witch doctor

5/7 2:20 PM

Gotta take care of those feet.

Jim Hoover 5/7 2:20 PM  
That's why the young guys can't keep up with me boss.

She gave me witch med.

5/7 2:21 PM

the younger guys just didnt have a good upbringing in my opinion... the work ethic isnt there for most of them.

Jim Hoover 5/7 2:21 PM  
I feel no pain

That's a fucking fact AMEN AMEN AMEN PREACH IT

5/7 2:22 PM

So...

Jim Hoover 5/7 2:22 PM  
so what are we looking at how far down

5/7 2:22 PM  
Dude... we are REALLY behind...

Jim Hoover 5/7 2:22 PM  
4 months

5/7 2:23 PM  
no, more like 5-1/2 months behind

Jim Hoover 5/7 2:23 PM  
Is that about right

Oh shit 6months half a year

5/7 2:23 PM  
put in an order today and it gets scheduled for mid-september

yep, pretty much

AND that is with NO SALESMEN!

Jim Hoover 5/7 2:24 PM  
We were only down 4 when I was in mill we were catching up

5/7 2:24 PM  
just repeat business

Jim Hoover 5/7 2:24 PM  
That won't work

5/7 2:24 PM  
Jim Hoover 5/7/2023, 2:24 PM  
We were only down 4 when I was in mill we were catching up  
we will get there....

Jim Hoover 5/7 2:24 PM  
Yes, we will

5/7 2:24 PM  
it takes time... now, just as before, we need people to stay and just work...

thats it.

We have to keep MSHA off our back....

keep the maintenance team happy

keep production pumping.... EVEN when we are tired.

I want to replace the palletizer...with a robotic one but we have to catch up...

the schedule is FULL everyday.

we can have these half-ass days....

each day, the minimum is 40k lbs.... per the sales orders....

that is what we have scheduled for...

just 40k lbs

Jim Hoover 5/7 2:27 PM  
Boss I have done 140 a hour on palletizer find the parts and I will make it run , 100 run great on it swear

5/7 2:27 PM  
if we do 50k, hey thats great

The palletizer motor will be here this week.

Jim Hoover 5/7 2:27 PM  
We don't have all pieces it though

5/7 2:27 PM  
the guys just need to know and take care of it when it is working...

Jim Hoover 5/7 2:27 PM  
For it though

5/7 2:28 PM  
you talking about the gear?

Jim Hoover 5/7 2:28 PM  
Yes and break

5/7 2:28 PM  
this isnt just any motor... its the same one that came off of it...

Jim Hoover 5/7 2:28 PM  
And another piece I heard

5/7 2:28 PM  
there is only one like it being sold...  
the palletizer is old  
thats why it took so long to get...  
the old one we have at CEMCO is/has been rebuilt

Jim Hoover 5/7 2:29 PM  
I know but john said there is parts on the other one up there that he needs for the motor

5/7 2:29 PM  
we are working with CEMCO to get the gear...  
the gear isnt the problem... its the motor  
the motor manufacturer has an 18-month backlog...

Jim Hoover 5/7 2:30 PM  
Okay awesome when that things gets going that will be a game changer

5/7 2:30 PM  
the factory rep says he has 6,000+ motors that he is being told not to expect delivery until 2025-26  
thats a lot of machines not running... and thats across the US

Jim Hoover 5/7 2:31 PM  
The guys will be much happier and less bitchy they tell me I'm working them like niggars I said I have to make up for robs lack of effort

5/7 2:31 PM  
stacking 5 highs... really?

Jim Hoover 5/7 2:32 PM  
They said that N word not me lol  
👍 1

5/7 2:32 PM  
thats not that damn hard...  
I mean come on...

Jim Hoover 5/7 2:32 PM  
I know right..  
I forgot to tell you something  
So you know how I do my calculations on the packer

5/7 2:33 PM

I also want to have a framer come in and give us a quote to frame and drywall off the production floor from the rest of the area so we can eliminate the air quality BS

Jim Hoover 5/7/2023, 2:32 PM  
I forgot to tell you something  
whats that?

Jim Hoover 5/7 2:33 PM

I heard you telling John something how many bags we are doing time wise

Well so I timed it thru the day several times and I'm packing 3 bags in one minute 7 seconds

👍 1

So not bad I think you had us only doing 2 bags a minute I think

👍 1

5/7 2:35 PM

OGX, DGX, AFX, PremiumX, TrifilX:  
50 bags per hour production

Microgrades (X45 - X30):  
20 bags per hour production

Microgrades (X15 - X10):  
10 bags per hour production

Bulk bags:  
6 bulk bags per hour

Jim Hoover 5/7 2:35 PM

Plus socks are taking long ass time to feel up now

👍 1

5/7 2:35 PM

thats good

Jim Hoover 5/7 2:36 PM

Which is good on elevator

5/7 2:36 PM

fixing the air leaks i think solved a lot of issues.

Jim Hoover 5/7 2:36 PM

Yes sir

So I think I got this insurance thing called AmBetter have you heard of it

5/7 2:38 PM

? no

Jim Hoover 5/7 2:38 PM

Which will pay for my insurance and Kennedy insurance so I won't have to carry it thru work

👍 1

5/7 2:39 PM

If its cheaper... then by all means go for it.

Jim Hoover 5/7 2:39 PM

It's something you told me to look into so I did boss

5/7 2:39 PM

thats good.

Jim Hoover 5/7 2:40 PM

Just another example of me LISTENING to the man

Lol



5/7 2:40 PM

IMO, since the OBAMAcare BS... where the government requires you to have health insurance...

its sometimes better to get your own plan than it is through a company.

Jim Hoover 5/7 2:41 PM



God gave me two ears to listen more and one mouth to talk less



That's how I take it anyway

5/7 2:41 PM

let us know your premiums... so we can share with the rest of the guys....

Jim Hoover 5/7/2023, 2:41 PM

God gave me two ears to listen more and one mouth to talk less

only if we all took this advice more often...

me too

Russell Tidaback 5/7/2023, 2:41 PM

let us know your premiums... so we can share with the rest of the guys....

if they can get cheaper rates then we should cancel the company plan.

Jim Hoover 5/7 2:43 PM



5/7 2:44 PM

as a company, we have to jump through hoops for insurance, that you don't as an individual.

Jim Hoover 5/7 2:44 PM



I hate that

I have another paper I'm looking for for you to see

5/7 2:45 PM

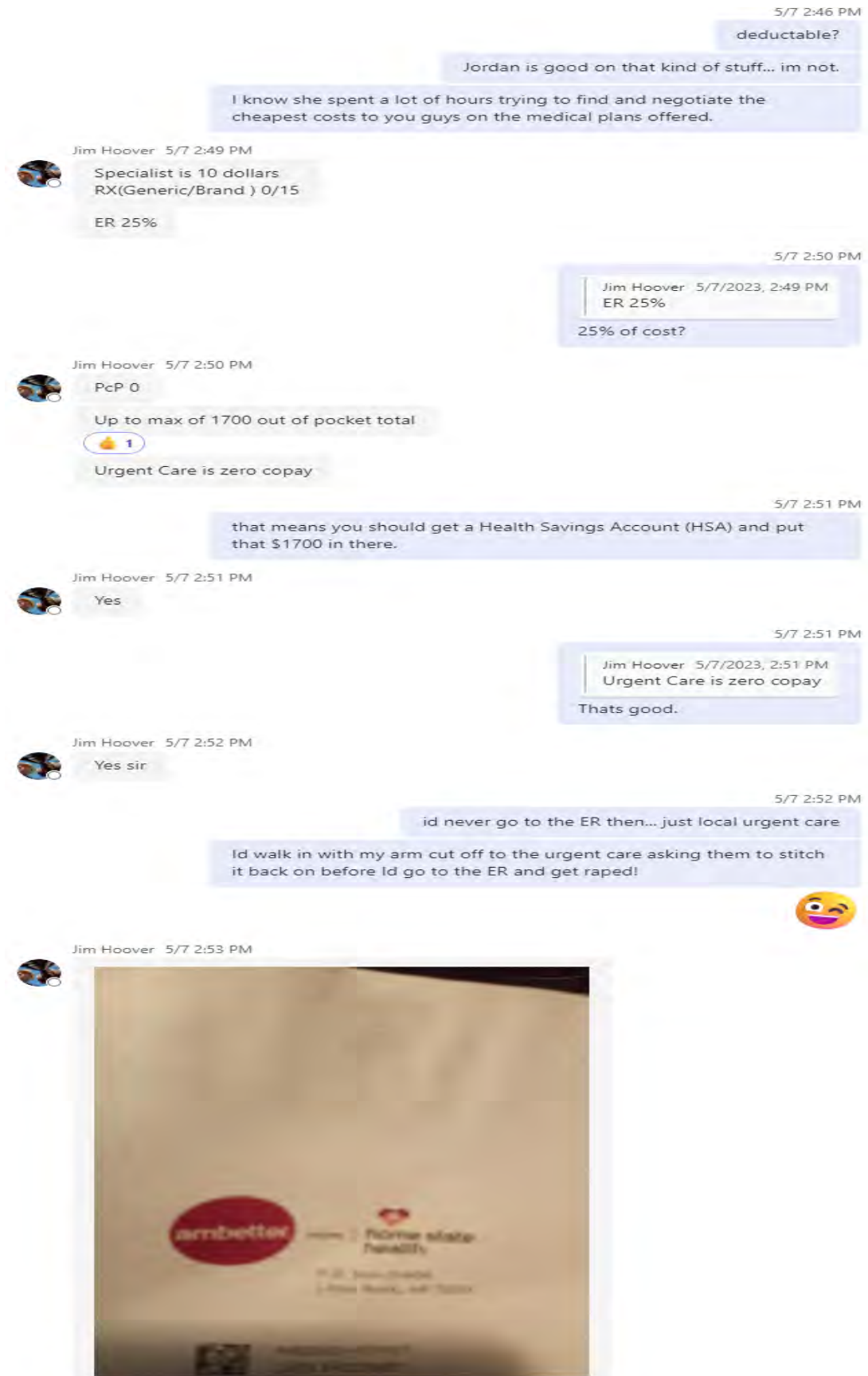
that looks like it \$900 monthly but at the end of the year they give you a tax credit...

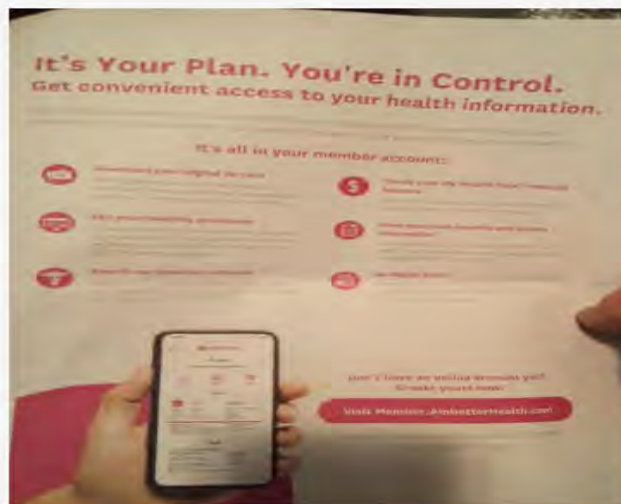
Jim Hoover 5/7 2:45 PM



Max out of pocket is 1,700 I think







Just showing if it helps

5/7 2:55 PM

if they are cheaper... thats good.

yeah

Jim Hoover 5/7 2:56 PM

Anyway so what is on your mind just keep running running running mill

5/7 2:58 PM

so, with the Mill.

We are interviewing a Production Assistant on Monday....

Jim Hoover 5/7 2:58 PM

Oh boy

5/7 2:58 PM

I think the PA. needs to be your back up...

you run the control room and just produce material....

Jim Hoover 5/7 2:59 PM

Yes

5/7 2:59 PM

the PA manages the workload

does all the paperwork

the QC

Jim Hoover 5/7 2:59 PM

100%

5/7 2:59 PM

etc...

Jim Hoover 5/7 2:59 PM

That's good

5/7 2:59 PM

BUT... he needs to know how to run the control room so when you take a vacation, sick, etc...

then John would be the PAs backup for the control room

I think your strength is producing product.

You can help the guys understand the machines... when issues arise

but you are at your best when producing product

NO EATING OR DRINKING IN THE CONTROL ROOM!

I repeat

Jim Hoover 5/7 3:01 PM  
Yes sir glad you think that  
I hear you

5/7 3:01 PM  
NO EATING OR DRINKING...

Jim Hoover 5/7 3:01 PM  
No eating or drinking

5/7 3:01 PM  
okay so you hear me!

Jim Hoover 5/7 3:01 PM  
Got that

5/7 3:02 PM  
Now...

Jim Hoover 5/7 3:02 PM  
GD IT JIM  
👍 1  
Now ....?

5/7 3:02 PM  
my thoughts are if we could get you and possibly Jeremy to come in at 6am and get the mill ready to produce...  
at 8am...  
then you two leave at 230pm...  
that would, I believe help you with production numbers but also...  
allow you to leave earlier in the day, when you start to peter out (tired)....  
just my thoughts...  
the mill associates and PA would come in at 8am - 430.  
the PA would do the shut down...

Jim Hoover 5/7 3:05 PM  
It takes 30 mintues to get the mill to roll 7 is plenty it would be rolling by 7:30

5/7 3:06 PM  
7 would work too..

Jim Hoover 5/7 3:06 PM  
I can have it rolling really in less than 20 mintues

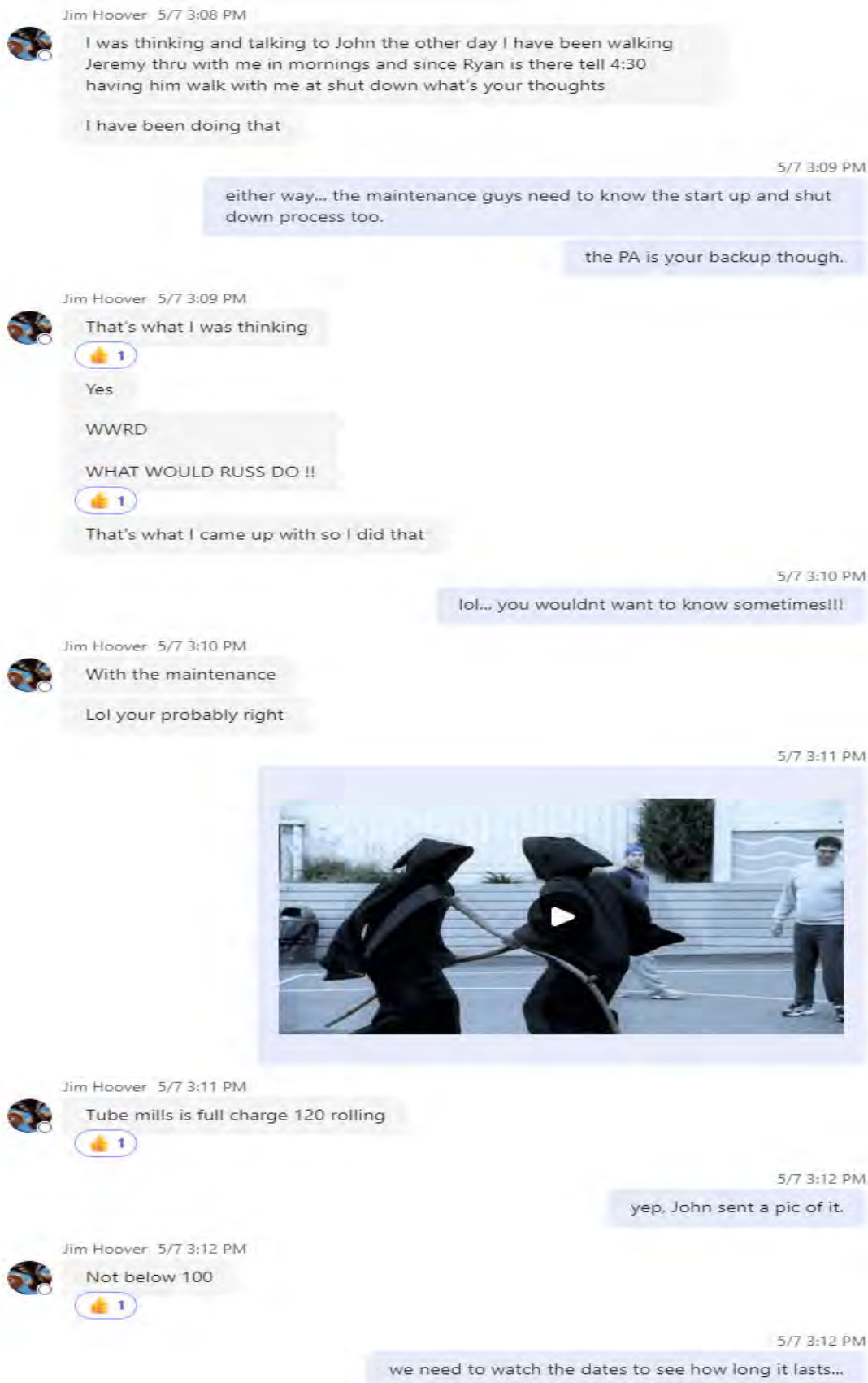
5/7 3:06 PM  
700 - 330

Jim Hoover 5/7 3:06 PM  
Sure

5/7 3:06 PM  
lets give the PA some time to get use to the shut down process... and then bring it to John.

Jim Hoover 5/7 3:07 PM  
If that's what you want I will work tell 4:30 to help us get more of a number tell we start catching up

5/7 3:07 PM  
would need to work it out with Jeremy or someone else to come in at 7am.





Jim Hoover 5/7 3:14 PM



See how the holes are rounded at some of the ends like a bigger hole



That's not good it's letting some of the small rocks get thru there but we got in there and fixed the serious problems that's for sure I told Jeremy we needed to get in there and look at that end and we found the problem it was killing the screens



On the fourth I told Rob the scrolls needed to be cut shorter he said no it will be alright I told him the product is going past the hole and covering the screens and making everything go back into return and he said how do you no that and I showed him and still blew me off

5/7 3:20 PM

he was a dick wad...

Jim Hoover 5/7 3:20 PM



It just really pissed me off that I would find the problem and he would just ignore it



I agree

Jim Hoover 5/7 3:25 PM



Also just to let you know Robs BS TALK ABOUT taking 1:30 mins to shut down and run product all out is total BS it takes 20 mins from start to finish approximately 30 at most



5/7 3:39 PM

30 mins is what we discussed before Rob... he was just lazy

Jim Hoover 5/7 4:03 PM



True

May 9

11. Produce an unredacted, complete copy the Mill Group Chat, Microsoft Teams chat, from June 26, 2023.

RESPONSE: Please see the chat on June 26, 2023:

June 26

Jim Hoover 6/26 8:19 AM



So who is helping Ron and Rj today do we have any takers since pat is crushing

John Spears 6/26 8:20 AM



Pat can get us started in the crush room. Jeremy can take over after he does his maintenance rounds. Ryan can run the packer of and on as well.

Jim Hoover 6/26 8:27 AM



Alrighty thanks 🙌

Jim Hoover 6/26 8:59 AM



Delta we have a problem , we are losing a lot of heat

John Spears 6/26 9:01 AM



That needs looked into. [Jeremy Talbert](#) go see Jim. I'm on my way.

Jim Hoover 6/26 9:02 AM



Ryan is down there

John Spears 6/26 9:03 AM



Very good.

Jim Hoover 6/26 9:23 AM



We are going to be down for a little to repair the dryer

6/26 2:06 PM

Everyone make sure we are using LOTO and the established safety procedures. There is no reason for anyone to get injured at our location.

<https://www.msha.gov/data-reports/fatality-reports/2023/june-8-2023-fatality/fatality-alert>



You should expect MSHA to be diligently looking in the causes of this fatality at our location.

John Spears 6/26 2:09 PM



Russell Tidaback 6/26/2023, 2:08 PM

You should expect MSHA to be diligently looking in the causes of this fatality at our location.

That would not surprise me that we would be picked out.



I am running samples on the Cilas machine.

June 27

12. Produce documents related to the fatality referred to in John Spears' Mill Group Chat message on June 26, 2023, produced by Respondent in the document titled ALL Communications regarding MSHA.

RESPONSE: In response to your request for the production of documents related to the fatality referred to in John Spears' Mill Group Chat message on June 26, 2023. We appreciate your inquiry and the opportunity to clarify the information requested.

In the Mill Group Chat conversation on June 26, 2023, the mine operator posted a link to the June 8, 2023, fatality alert notice issued by the Mine Safety and Health Administration (MSHA). The referenced fatality is the same incident that is detailed in the MSHA's official alert notice.

As the requested documents are directly related to the MSHA fatality alert notice, we would like to clarify that the details and information regarding this fatality are available in the official MSHA documentation, including the alert notice itself. We do not possess any additional internal documents or materials related to this specific incident beyond what has already been publicly communicated by MSHA.

To provide you with the most accurate and complete information regarding this fatality, we recommend referring directly to the official MSHA fatality alert notice dated June 8, 2023. This notice contains all relevant details and findings related to the incident, as compiled and reported by the regulatory authority responsible for investigating and documenting such events.

Should you require access to the official MSHA fatality alert notice or have any further questions related to this incident or other matters, please do not hesitate to let us know.



13. Produce the Microsoft Teams chats regarding the following incidents/entries into the document titled Rob Baumann-Notes from Russell Tidaback employee journal:

- a. 26JUL2022 - Jeff states the shaker screen ripped because Rob didn't put bolts back in and just ran it like that. Rob told Miguel that he didn't care and that Miguel needed to get down. Rob shut things down sent everyone home early.
- b. 27JUL2022 - Christine states Rob is having the guys run straight 8 hours and bypassing the given break so they can go home earlier. I explained the break should be rotated so we can continue to produce for the 8.5 hours. The breaks are precautionary for employees dust exposure too. MO doesn't require breaks to be given. Plus they are only running bulk bags and that can be done with two people.
- c. 1AUG2022 - Christine states If Rob cannot get it done, we just need to replace him.
- d. 5AUG2022 - Jessie states there is no emphasis for the guys to help him. When he brings it to Rob, he shrugs his shoulders and walks away.
- e. 8AUG2022 - Christine wants to bring Rob to first shift as she doesn't believe Rob is doing what he is suppose to be doing without someone overseeing him. We cannot put Jim on nights due to being a single father and a young child at home.
- f. 9AUG2022 - Christine thinks we should train someone to replace Rob on the night shift.
- g. 16AUG2022 - Advised Christine to counsel Rob regarding shutting down and letting people go earlier than scheduled.
- h. 25AUG2022 - Rob needs counseling on filling out the BOL correctly. A shipper complained that he did it wrong and wasted their time.
- i. 31AUG2022 - Had discussion with Rob on the importance of inputting the daily production information in the spreadsheet. He said he would log in and get it done.
- j. 3SEP2022 - Had discussion with Rob regarding the daily production numbers and updating the spreadsheet accurately. I don't know if he is incompetent or just lazy.
- k. 28SEPT2022 - Rob not doing the CILAS reports as required for orders produced.
- l. 8OCT2022 - Jessie and Carson were waiting for Rob to get there. Rob was late getting there.
- m. 12OCT2022 - Had discussion with Rob regarding notifying and working with Carson to address the maintenance issues. Carson said Rob gets mad at everything and is hard to work with. I explained that getting angry and combative with others is not going to solve the issue any quicker.
- n. 13OCT2022 - Had to counsel Rob on following the production schedule as it is presented. He was not producing what was on the schedule. Rob said he didn't like having to check the computer or phone to do his job. I explained that the computer work was part of the role.
- o. 17OCT2022 - Had to explain Rob about the flow of the system and asked him why he wasn't reviewing the operating documents in the maintenance team files. His excuse was he didn't like to read on a computer.
- p. 26OCT2022 - Had to explain to Rob why the MAC vacuum system was spewing dust from the exhaust and that we had to shut the system down so DEQ doesn't get called. Jim states Rob doesn't know what he is doing.
- q. 2NOV2022 - John mentioned Rob showing his poor attitude again.

- r. 5NOV2022 - Had to get onto Rob about not properly keeping team shift hours correct in Shifts. He was writing them down on scratch paper and forgetting to update shifts. I don't know if he is just lazy or what. I explained that he can do this any time from the computer or his phone.
- s. 8NOV2022 - Had to inquire with Rob if he was shutting down early letting people go home early. The systems were showing shut down before the end of the shift.
- t. 1DEC2022 - While at AT had a discussion with Rob regarding his lack of attentiveness regarding ensuring the proper things were done with his team. The checklists werent being completed. The inspections werent being completed. The breakroom was a disaster. The fridge was disgusting. The trash wasn't taken out the day before, some of the windows were still open. The production floor was a mess. The back roll up door was off track. The bathroom was disgusting. The circuit breakers in Warehouse A was blocked by slip sheets.
- u. 16DEC2022 - Discussion regarding keeping the production team informed of what is expected to produce that day. Rob is lacking in managerial purpose for his team members.
- v. 26DEC2022 - Discussion with Rob regarding not meeting the daily production goals, team members complaining that he doesn't know what he is doing and that he just gets angry and stomps around like a child. He isnt a leader and allows his team to push him around. His response was just nodding his head. I stressed filling out the tasking board everyday and making sure the things get done. If he has problems with someone, take it to John and john will get it resolved. Jim blames Rob.
- w. 20JAN2023 - Kensley posted in the Ops chat group a pic of dust blowing out the back of the bldg. Again, had to stress to Rob that he needs to watch for any dust blowing out of the building. We cant have the Sheriff or DNR receiving complaints about us. We had to reiterate in the group that is was Robs responsibility to be inputting in the daily production worksheet what was produced each day before he leaves for the day. This wasn't been done.
- x. 25JAN2023 - Had to get onto Rob regarding keeping the completed bag inventory up to date. John and I discussed Robs attitude.
- y. 28FEB2023 - discussed with Rob about the task board. Starting to think we need to let Rob go. His attitude is one that he doesn't care about getting things done. He jokingly mentioned he liked being paid for not working.
- z. 20MAR2022 - Alex Snodgrass hired to eventually replace Rob.
- aa. 24MAR2023 - Discussion with John regarding Robs push back on stacking the bags today. I believe Robs attitude is infectious. We need Alex to take over for Rob and just let Rob go for performance issues.
- bb. 30MAR2023 - ATMO Safety discussion with Jessie about ensuring that Rob gets the tasks done. The tasks are established, just not getting enforced by Rob.
- cc. 5APR2023 - Alex informed us regarding accepting a neurology position at a hospital in Little Rock. Neurology is his degree is in. John and I discussed just letting Rob go.
- dd. 7APR2023 - John, Jordan and I discussed letting Rob go.
- ee. 12APR2023 - Time to let Rob go. He is afraid to make the system work and cant meet the simple daily quotas. If Jim can get it done why cant Rob. Need to look at the mill structure again. Jim can run the Mill, we just need to get a manager of people to manage the team. Hopefully, Brian Edwards can do it. He can manage the people, QC, inventory and the reporting. Jim can run the mill. Brian will need to learn how to as a back up to Jim.

ff. 14APR2023 - Warned John about an MSHA complaint when we let Rob go. Robs termination will be based on production performance, not following guidance given by management, not ensuring the safety of the mill associated by utilizing the proper controls, etc. Send John the termination letter.

gg. 16APR2023 - Ask Keith about miner pay and withdrawl order. Robs termination letter sent to John.

RESPONSE: These notes were from Mr. Tidabacks personal daily notes journal which is done on a Rocketbook wipeable notebook. These were not input into a Microsoft Teams Chat.

14. Produce all Microsoft Teams chats between Robert Baumann and any owner, supervisor or manager of Respondent.

RESPONSE: In your request for the production of all Microsoft Teams chats between Robert Baumann and any owner, supervisor, or manager of Respondent. We appreciate your patience as we work diligently to fulfill this highly technical request.

Due to the specialized nature of retrieving Microsoft Teams chats, we are currently in the process of coaching our managers and supervisors on the necessary steps to access and compile the requested information. This process involves ensuring that all relevant chats are securely retrieved and properly documented to meet your requirements.

We understand the importance of providing a comprehensive and accurate response to your request and are committed to delivering the requested Microsoft Teams chats as soon as they are available. Our team is actively working on this matter, and we anticipate completing the retrieval process within a reasonable timeframe.

Please be assured that we take your request seriously and are making every effort to facilitate the retrieval of the requested chats efficiently and effectively. We will notify you as soon as the information is ready for submission.

UNITED STATES OF AMERICA  
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

JULIE A. SU, Acting Secretary of Labor,	)	DISCRIMINATION &
United States Department of Labor, and	)	INTERFERENCE PROCEEDING
ROBERT BAUMANN	)	DOCKET
Complainants,	)	
	)	
v.	)	Docket No. CENT 2023-0251-DM
	)	
MOSENECAMANUFACTURER LIMITED	)	
LIABILITY COMPANY d/b/a AMERICAN	)	Mine: MOSenecaMfr LLC dba
TRIPOLI,	)	American Tr
	)	Mine Id No. 23-00504
	)	
Respondent.	)	

**RESPONDENT'S THIRD INTERROGATORIES ANSWERS AND RESPONSE FOR  
PRODUCTION OF DOCUMENTS**

**FIRST DISCOVERY REQUESTS**

**INTERROGATORIES**

**INTERROGATORY NO. 4:** If Respondent claims that a defense or affirmative defense is applicable to the claims at issue in this case, please identify each such defense and state with particularity the material facts supporting such defense.

**ANSWER:** In response to Interrogatory No. 4, we acknowledge the importance of providing clarity regarding our defenses in this matter. While we understand the need for transparency and adherence to legal processes, we firmly contend that requiring the immediate identification of defenses with particularity may not be suitable for the complex and evolving nature of this case. It is essential to uphold the principles of fairness, due process, and the right to develop a comprehensive defense.

Our defense in this case revolves around the following key points, each supported by specific material facts:

**1. Compliance with Regulations:** Throughout the course of our operations, we have consistently prioritized compliance with all relevant regulations and guidelines, particularly those set forth by the Mine Safety and Health Administration (MSHA). We have diligently enforced safety protocols and measures in line with MSHA standards to ensure the safety of our workforce.

**2. Safety Measures and Training:** We have invested significant resources in training and educating our employees, emphasizing safety procedures and the importance of adhering to MSHA regulations. Our commitment to safety extends to providing comprehensive training programs and resources, which we have made available to all our employees, including Mr. Robert Baumann.

**3. Mitigation of Citations:** It is important to note that the mining industry can be inherently challenging in terms of regulatory compliance. Despite our best efforts, occasional citations may occur. Our defense involves demonstrating that we have taken prompt corrective actions in response to any citations received, including addressing safety concerns and implementing necessary changes to prevent recurrence.

**4. Employee Responsibilities:** Employees, including Mr. Baumann, have individual responsibilities under MSHA regulations to ensure their safety and that of their colleagues. These responsibilities include reporting unsafe conditions and practices, complying with safety guidelines, and actively participating in safety training. Our defense highlights the expectations placed on all employees, including Mr. Baumann, in fulfilling these responsibilities.

In conclusion, our defense in this case is built upon our unwavering commitment to safety, compliance, and the well-being of our workforce. The material facts supporting this defense include our rigorous safety measures, training programs, and our proactive approach to

addressing any citations received. We remain steadfast in our dedication to transparency, cooperation, and upholding the highest standards of safety within our operations. We have also included a November 13, 2023 email chain from Mr. Randall Boyd, Supervisory Special Investigations, Supervisory Conference & Litigations, Madisonville district office, stating there is not anyone recorded as a representative of miners at our location as Mr. Baumann has claimed he is/was one.

**INTERROGATORY NO. 5:** Set forth the reasons Robert Baumann was terminated, who participated in the decision to terminate Robert Baumann, and the date such decision was made.

**ANSWER:** A comprehensive response to your request regarding the reasons for the termination of Mr. Robert Baumann, the individuals involved in the decision, and the date when this decision was made. We understand the importance of clarity in this regard and aim to address your concerns.

**Reasons for Termination:**

The decision to terminate Mr. Robert Baumann was based on a combination of factors that collectively led to this outcome. It is important to emphasize that termination of employment is never taken lightly, and the welfare of our employees and the overall safety and efficiency of our operations remain paramount. The following factors contributed to Mr. Baumann's termination:

**Poor Performance:** Mr. Baumann's performance as a shift lead consistently fell below the acceptable standards established for his role. His inability to meet the performance expectations and responsibilities associated with his position was a primary concern.

**Lack of Leadership Skills:** As a shift lead, strong leadership skills are essential for success. Mr. Baumann's performance was hindered by his lack of effective leadership, which was a crucial aspect of his role.

**Failure to Follow Procedures and Guidance:** Despite several attempts to address these issues through coaching, feedback sessions, and open communication channels, Mr. Baumann did not demonstrate any substantial improvement in his performance or attitude. This failure to adapt to guidance and correct his behavior raised significant concerns.

**Safety Concerns:** Safety is a paramount concern in our operations. Mr. Baumann's disregard for safety guidelines, failure to take safety matters seriously, and his actions that created an unsafe work environment for himself and his colleagues were alarming.

**Compliance with Employment-At-Will Doctrine:** It is essential to note that Missouri follows the Employment-At-Will doctrine, allowing both the employer and employee to terminate the employment relationship at any time and for any non-discriminatory reason. This doctrine serves as the legal basis for Mr. Baumann's termination.

**Participants in the Decision:**

The decision to terminate Mr. Baumann was a collective one, involving key members of our management team. While we initially referred to "management personnel" in our previous response, we want to provide you with specific names and titles of the individuals who participated in this decision:

**Russell Tidaback:** As the final decision maker for the company, Mr. Russell Tidaback played a crucial role in the deliberation and final decision-making process.

**Jordan Tidaback:** As a decision maker for the company, Ms. Jordan Tidaback played a crucial role in the deliberation and decision-making process.

**John Spears:** As a member of our management team, Mr. John Spears was also involved in the decision-making process.

**Date of the Decision:**

The decision to terminate Mr. Baumann was reached during the evening of April 16, 2023. We recognize the importance of providing an exact date, and we sincerely apologize for any previous lack of specificity on this matter.

In conclusion, we hope this elaboration provides the clarity and detail you seek regarding Mr. Baumann's termination. We remain committed to cooperation and transparency throughout this process and appreciate your diligence in seeking this information.



### DECLARATION

I, RUSSELL TIDABACK state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: RUSSELL TIDABACK

Title: MANAGING MEMBER

Dated: 20NOV2023

## **FIRST DISCOVERY REQUESTS**

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

11. Produce the documents reflecting any discipline of Robert Baumann.

RESPONSE: In response to your request, we want to clarify the company's disciplinary process as outlined in our employee handbook. Our progressive discipline process is designed to provide associates with opportunities to address and correct behavior when possible. The handbook explicitly outlines the three steps of increasing severity in this process: verbal warning, formal meeting with a supervisor and written reprimand, and termination. It's important to note that managers have discretion in applying this process and may skip or repeat steps as necessary.

Considering this framework, we must emphasize that Robert Baumann's employment with American Tripoli was "at-will," as is the case with all our employees in the U.S. This means that either the employee or the company may terminate the employment relationship at any time and for any non-discriminatory reason. The termination of Mr. Baumann falls under the category of "for cause termination" as outlined in our handbook.

Regarding your specific request for discipline records for Mr. Baumann, we do not possess traditional documents reflecting discipline actions, such as written reprimands, in this case. The decision to terminate Mr. Baumann was the culmination of ongoing discussions, evaluations, and attempts to address performance issues and safety concerns, which are consistent with our progressive discipline process.

While we do not have written records of discipline actions in this case, we want to assure you that Mr. Baumann's termination was thoroughly assessed and justified based on well-established principles of employment and operational policies. Our commitment to acting fairly and lawfully is unwavering.

24. Produce the documents reflecting any communications, including Microsoft Teams chats, text message, emails, to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine regarding MSHA inspections and/or any MSHA inspectors.

In addition, we ask that you also look for inspectors' names which would include either the first and last name together or just the first name or just the last name:

- Keith and Markeson
- Bryan and Licklider
- Randall or Randy and Hill
- Michael and/or Mike and Van Dorn and/or VanDorn
- David and/or Dave and Prewett
- Michael and/or Doc and Dillingham
- Shawn and Pratt
- Adam and Larkins
- Also inspector would be another relevant search term.

RESPONSE: In response to Request No. 24, we acknowledge the importance of providing relevant communications pertaining to MSHA inspections and inspectors. However, it is important to note that local communications at our mine, particularly below the level of the operations manager, often occur face-to-face or through other forms of verbal communication rather than electronic messages. As such, while we have made a diligent effort to retrieve electronic communications, we may not have specific messages that directly address MSHA inspections or inspectors. Below are what was found using the terms requested above, please let us know if you need further details surrounding any specific date & time message:

**Keith:**



ATMO Safety | You, Don, John, +2



John Spears 4/14 2:07 PM

...Im telling you guys... **Keith** is a snake... be cautious on what you say to and around him. Any MSHA inspector really....employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on **Keith**, Mr Pratt, etc. He said he would help us in any w.....



ATMO Safety | You, Don, John, +2



You 4/14 10:50 AM

Jessie Moles thanks for including me in on emails to **Keith**... im responding now.



ATMO Safety | You, Don, John, +2



You 4/14 7:16 AM

...once we get the gilibrator back from service, do an air sample and let **Keith** know that we'd like an air sample redone based on your recent readings....

ATMO Safety | You, Don, John, +2

You 4/14 7:16 AM  
...once we get the gilirator back from service, do an air sample and let **Keith** know that we'd like an air sample redone based on your recent readings....

---

ATMO Safety | You, Don, John, +2

You 4/12 2:00 PM  
No worries... I want you to research the CFR based on the paperwork **Keith** gave you....I dont want **Keith's** opinion, I want you to research the details. Remember, an inspector is suppose to give you a non-bias, non-opinionated inspection....

---

ATMO Safety | You, Don, John, +2

JM Jessie Moles 4/12 1:35 PM  
I will check with **Keith** to find out what his exact source was and send it to you. I hate being confused and what to make sure I understand

---

ATMO Safety | You, Don, John, +2

You 4/12 1:28 PM  
**Keith** likes to add too much of his own opinion rather than keeping to what the regulation guidelines are.

---

ATMO Safety | You, Don, John, +2

You 4/6 10:09 AM  
So, Id expect **Keith** on site tomorrow.

---

ATMO Safety | You, Don, John, +2

You 4/6 10:04 AM  
I will send **Keith** an email asking for an air resample.

---

ATMO Safety | You, Don, John, +2

You 4/3 8:34 AM  
yes, the audiogram testing bus... we will have to look up who performed it in the past. It would be best to schedule it for a Wednesday morning. If we can get it scheduled, we can get an extension for the citation from **Keith**. John Spears we may need to assist Jessie with this since he in on Drill orders.

---

ATMO Safety | You, Don, John, +2

You 3/31 11:43 AM  
Jessie Molesi **Keith** is a good guy, you may want to connect with him on how to build a good tracking and managing system for the citations.

 You

---

 Jim Hoover 3/28 7:28 PM  
I know I won't be throwing 10 highs all day long im not as young as used to be im 50 Sunday and yes **Keith**


---

 Jim Hoover


---

 You 3/28 7:27 PM  
who was the MSHA inspector today? **Keith**?


**Markeson:**

 ATMO Safety | You, Don, John, +2


---

 Jessie Molesi 4/13 6:17 PM  
Also I sent an email to **markeson** asking for some reference material but also if he or someone else could come out and at the very least allow lighting and power to the maintenance shop still awaiting response


---

 ATMO Safety | You, Don, John, +2


---

 Jessie Molesi 4/12 1:20 PM  
...Also as far as the respirator **Markeson** explained to me that we need a PAPR system for milk associates due to air concentration and we were given time to order them. I was told as long as we showed that these were being worked on we could have had the termination date extended and avoided the B Order.

---


 ATMO Safety | You, Don, John, +2

---


 You 4/12 12:31 PM  
...I guess Mr. **Markeson** didnt think ordering more M95 masks, the ear plugs, researching to have the Gibraltar calibration done or the scheduling of the cardio tests is effort made?...

**Bryan:** We couldn't find any results for 'Bryan'.

## Licklider:

 ATMO - Maintenance Group | You, Don, Joe, +3


---

 You 2/15 12:14 PM


I sent you my suggestion and responses to the citations. There are a couple we need more clarification on from Mr **licklider**.

**Randall:** We couldn't find any results for 'Randall'.

## Randy:


 You, John and Jordan

---


 Gage Wheeler 1/6 4:44 PM

Did john ever talk to **randy** hill and see if i can come in there when we are not running

## Hill:


 You, John and Jordan

---


 Gage Wheeler 1/6 4:44 PM

Did john ever talk to **randy** hill and see if i can come in there when we are not running

## Michael:

 ATMO Safety | You, Don, John, +2

---


 JS John Spears 4/14 2:07 PM

...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. **Michael** Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any w.....

 ATMO Safety | You, Don, John, +2

 You 4/14 2:01 PM

...**Michael** Van Dorn - Ex-MSHA employee... good reference 417-684-3288...

 ATMO - Mill Mgmt | You, Don, John, +2

 BB Bonnie Bainter 7/14/22 4:55 PM

...I asked **Michael** today if it is truly a shift will I have to report it as OSHA requires. He started it will need to be reported as a recordable incident....


 ATMO - Mill Mgmt | You, Don, John, +2

 BB Bonnie Bainter 7/6/22 4:17 PM

Just a heads up, I received a call from **Michael** VanDorn our MSHA inspector. He advised that in compliance with the current Silica study each mill that has received violations in the past, are required to undergo an air and noise test....

### Mike:


 You

 JT Jeremy Talbert 4/13 5:39 PM

Im sure you talked to john about **Mike** Vandorn he was my msha guy at my last job and i managed to get to where he is a phone call away if i needed him if you havent call him i think he can help us get around this issue he told me what we needed to do but be better for your or john to call and he would be willing...

### Van Dorn:


 ATMO Safety | You, Don, John, +2


 JS John Spears 4/14 2:07 PM

...Michael **Van Dorn** - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said...Mr. **Van Dorn** was very respective to the business. He understood that the condition of the equipment, due to age, was going to be very difficult to secure to dustin...



**Vandorn:**

 ATMO - Mill Mgmt | You, Don, John, +2


 Bonnie Bainter 7/6/22 4:17 PM


Just a heads up, I received a call from Michael **VanDorn** our MSHA inspector. He advised that in compliance with the current Silica study each mill that has received violations in the past, are required to undergo an air and noise test....

**David:** We couldn't find any results for 'David'.

**Dave:** We couldn't find any results for 'Dave'.

**Prewett:**

 ATMO - Maintenance Group | You, Don, Joe, +3


 John Spears 2/15 12:14 PM


Russell Tidaback John, do we not have a bulb to put into the socket to abate the light socket issue? Yes we do. But if the lights do not come on we would receive a citation for inadequate lighting. Mr. **Prewett** said a citation would be written either way.

**Doc:** We couldn't find any results for 'Doc'.

**Dillingham:** We couldn't find any results for 'Dillingham'.

**Shawn:**


 ATMO - Maintenance Group | You, Don, Joe, +3

 You 2/15 12:22 PM

Any citation that has been abated, please let me know ASAP. We are suppose to contact Mr. **Shawn** Pratt about each one. So he can verify that it was abated in their system. (think email trail)

## Pratt:

 ATMO Safety | You, Don, John, +2

 JS John Spears 4/14 2:07 PM

...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA inspector really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr **Pratt** etc. He said he would help us in any w.....

 ATMO Safety | You, Don, John, +2


 You 4/14 2:01 PM


...I spoke with him and he gave me a good run down on Keith, Mr **Pratt** etc. He said he would help us in any way he can. He retired from MSHA... states he loved the job of helping people but does not agree with the way MSHA does things.

 ATMO Safety | You, Don, John, +2


 You 4/14 7:16 AM


...I am still a little grey on the whole air resample process, and am inquiring Mr. **Pratt** about it all.....

 ATMO Safety | You, Don, John, +2


 JM Jessie Molesi 4/13 2:09 PM

The email from Mr. **Pratt**

 ATMO Safety | You, Don, John, +2

 JS John Spears 4/12 1:12 PM

...Doing a "fit test" is useless until we find out what forms of breathing apparatuses we are able to use. I figured Mr. **Pratt** and Mr. Simms would have granted our request before an undue financial burden was placed on us. Because like you said, doctors and equipment just don't happen the next day.

 ATMO Safety | You, Don, John, +2


 You 4/12 12:31 PM

...I tried calling Mr. **Pratt** again, I assume their office is out to lunch. I'll try again after 1pm.

 ATMO Safety | You, Don, John, +2

 You 4/12 12:08 PM

Jessie Molesi Its okay, if he issued the order to be closed down, just scan it to a 12APR2023 folder and let me know when this is completed. I have already spoken with Mr. **Pratt** this morning and will call him again once I see the order. John Spears

 ATMO - Maintenance Group | You, Don, Joe, +3

 You 2/15 12:22 PM

Any citation that has been abated, please let me know ASAP. We are suppose to contact Mr. Shawn **Pratt** about each one. So he can verify that it was abated in their system. (think email trail)

**Adam:** We couldn't find any results for 'Adam'.

**Larkins:** We couldn't find any results for 'Larkins'.

**Inspector:**



ATMO Safety | You, Don, John, +2



John Spears 4/14 2:07 PM

...Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA **inspector** really. Michael Van Dorn - Ex-MSHA employee... good reference 417-684-3288 I spoke with him and he gave me a good run down on Keith, Mr Pratt, etc. He said he would help us in any w.....



ATMO Safety | You, Don, John, +2



You 4/14 2:01 PM

Im telling you guys... Keith is a snake... be cautious on what you say to and around him. Any MSHA **inspector** really....



ATMO Safety | You, Don, John, +2



You 4/14 9:09 AM

Oh no, I think you are doing a stand up job... State to State will have different "guidelines". Unfortunately, from an **inspectors** point of view, to protect yourself as an **inspector**, you need to be sure of your source and reference that source.



ATMO Safety | You, Don, John, +2



You 4/12 2:00 PM

...I dont want Keiths opinion, I want you to research the details. Remember, an **inspector** is suppose to give you a non-bias, non-opinionated inspection....



ATMO Safety | You, Don, John, +2



Jessie Molesi 4/12 11:01 AM

The MSHA **inspector** informed me that the doors and windows were open along with exhaust fans on on the day they did sampling. He also said that we cannot do production until we have the PAPR systems and everybody is medically evaluated and fit tested.



ATMO Safety | You, Don, John, +2



You 3/31 12:05 PM

...The thing to remember is the MSHA **inspector** has the cite you for going against a defined regulation. ANY opinion, and everyone has opinion, even MSHA **inspectors**, is not correct. Its not our job to argue with the **inspector**. After accepting the citation, we then need to justify his/her findings regarding the regulation....



ATMO Safety | You, Don, John, +2



You 3/31 11:45 AM

I will stress with you.... any MSHA **inspector** is not your friend. Anything you say to or in their presence can AND WILL be used against you in a court of law. Hopefully, this will never be needed BUT just be well aware.



ATMO Safety | You, Don, John, +2



JM Jessie Molesi 3/31 11:41 AM

Russell Tidaback who is our carrier insurance the MSHA **inspector** told me that I could contact them and see if they offer programs to send us the equipment we need to do air surveys and send the equipment back for analysis.



ATMO Safety | You, Don, John, +2



JM Jessie Molesi 3/30 10:05 AM

Of course and we are working on this other air tank so i can get the fire **inspector** out here for our pressure vessel inspection.



Jim Hoover



You 3/28 7:27 PM


who was the MSHA **inspector** today? Keith?

 Jim Hoover



You 3/28 7:26 PM

without being combative, when an MSHA **inspector** states something, ask them for a reference so you can educate yourself on the proper regulations to keep everyone safe.

 Jim Hoover



You 3/28 7:21 PM

Jim Hoover I get along with them great remember... MSHA **inspectors** are NOT your friend. They can and will us anything and everything against you in a court of law.



ATMO Safety | You, Don, John, +2



You 3/28 9:39 AM

Nice... then yes. Ask John, what is needed to hook up the other air tank before scheduling. This way we aren't having an empty tank sitting there and the **inspector** possibly need to come back. Are you familiar with the inspection? What they look for etc? If not, read up on it so we can be ahead of the **inspector**.



ATMO Safety | You, Don, John, +2



JM Jessie Molesi 3/28 9:32 AM

...I'm about to call the traveling **inspector** to set up an appointment for the pressure vessel inspection. I wanted to make sure that is fine before i call. They will also send the invoice to the office here and i wanted to know who i send that to once it arrives so we can pay them and get the object codes current.



ATMO Safety | You, Don, John, +2



Jordan Tidaback 3/28 8:33 AM

...Also, I did want to point these docs out to you in the link below, as the last MSHA **inspector** shared them with me. It includes the checklists MSHA uses when the do inspections....



ATMO Safety | You, Don, John, +2



Jordan Tidaback 3/24 4:04 PM

...These are the spots (in red) on the 5000-23 sheet that the MSHA **inspector** told me to fill out for tasks trainings. If you look in the 5000-23 booklet we have, you'll see one already filled out for Ronnell, Jim, Patrick, and RJ....



New Task Training 500... ...



ATMO Safety | You, Don, John, +2



Jordan Tidaback 3/24 1:47 PM

Did you see the 5000-23 book yesterday and the task trainings in it? The MSHA **inspector** recently showed me how to fill it out. I can show you, if needed.



You



Jim Hoover 3/22 11:10 PM

...we will wait till the complaints start pouring in, we just had **inspectors** tell us what to do if it starts dusting you told us what to do if it starts dusting but I guess it's okay if **inspectors** aren't there.



Mill Group Chat | You, Brian, Don, +10



You 3/21 11:07 AM

Also, ask the MSHA **inspector** for the MSHA reference as to how high a pallet can be stacked. We are not finding the reference.



ATMO - Maintenance Group | You, Don, Joe, +3



You 2/20 2:34 PM

Perfect. Hopefully the **inspector** will be there early and we will get to producing. Since that's done, can we get some time on the bagger switch?




Mill Group Chat | You, Brian, Don, +10



You 2/16 11:12 AM


Probably another reason why this MSHA **inspector** is here... [image]

 ATMO - Maintenance Group | You, Don, Joe, +3



Jordan Tidaback 2/14 11:49 AM

Hi Gage, we spoke with John about that. You are absolutely allowed to answer questions the MSHA **inspector** has (obviously)....The Ops Mgr and maintenance person usually work hand in hand when the **inspector** is there so we can fix the simple things quickly on site before he leaves....I know having the **inspector** there makes for...

 ATMO - Maintenance Group | You, Don, Joe, +3



Gage Wheeler 2/14 11:40 AM

Gage Wheeler do not answer any questions about the that the MSHA **inspector** may have. Do not go into the mill. I'll be the person who talks to me **inspector**....




You



Robert Baumann 2/14 11:39 AM

Msha **inspector** told me to lock the doors and no one was allowed in until he okayed it

 ATMO - Maintenance Group | You, Don, Joe, +3



You 2/14 11:27 AM

Oh well, thanks for just nodding and agreeing with the **inspector**. That's all we can do.

 ATMO - Maintenance Group | You, Don, Joe, +3



You 2/14 11:20 AM

It's all good. Have to remember each **inspector** is going to have a different opinion of what is right

 ATMO - Maintenance Group | You, Don, Joe, +3



John Spears 2/14 10:13 AM

[6:55 AM] John Spears I understand. I should have been more specific about not volunteering information. I will escort the **inspector**. like 1




ATMO - Maintenance Group | You, Don, Joe, +3


John Spears 2/14 6:35 AM  
Gage Wheeler do not answer any questions about the that the MSHA **inspector** may have. Do not go into the mill. I'll be the person who talks to me **inspector**.


Mill Group Chat | You, Brian, Don, +10


John Spears 11/22/22 5:17 PM  
Sure thing. Sounds good. I'm pretty sure we have smoothed things over with the MSHA **inspectors**. Bryceton is finishing up a couple welding repairs in the morning and that should be the final items on the list. We now have furnace heat in the office building as well. Jim is finished with the tube mill....


Mill Group Chat | You, Brian, Don, +10


You 11/14/22 11:48 AM  
...Last I heard msha **inspector** said they was expired and terry our safety manager had to cut them up right on the spot . If you know where one is at please inform us...


Mill Group Chat | You, Brian, Don, +10


Benjamin Waters 11/14/22 11:12 AM  
Last I heard msha **inspector** said they was expired and terry our safety manager had to cut them up right on the spot . If you know where one is at please inform us



You



Jim Hoover 11/8/22 10:42 PM  
I'm not complaining about anything brother terry I'd working on the **inspectors** shit which is okay



You



Jim Hoover 11/7/22 12:48 PM  
VID\_20221107\_124644271.mp4 Went and got the **inspector** and he said that's damn good


 ATMO - Operations | You, Don, Gwen, +4


 You 11/3/22 5:21 PM  
Terry Newburn did you receive the MSHA list from the **inspector**?


 Mill Group Chat | You, Brian, Don, +10


 You 11/2/22 6:32 PM  
...From what I understand today was a busy day with outside visitors, **inspectors** as well as the maintenance issue....


 Terry Newburn

 You 11/2/22 1:09 PM  
...to the Safety and Environmental channel and we can build a plan to address these ASAP so we wont have these come up again when the **inspector** comes back. The MSHA **inspector**, if its the same guy I spoke with, he is a pretty good guy. He's just doing his job and I dont question anything he finds....


 Mill Group Chat | You, Brian, Don, +10

 You 7/13/22 8:49 PM  
Just be cautious is the main point. Do what you know you should do, like wearing your hard hat in the mill at all times. Dont cut corners. The **inspector** is just doing his job.

 Mill Group Chat | You, Brian, Don, +10

 You 7/13/22 8:36 PM  
... 😊 and if you are asked a question by the **inspector** keep your answer short and simple. Dont be "that guy", Camrin lol, that thinks he knows it all and starts pointing out of all the faults etc. (I only name drop Camrin since he doesnt work with us any longer. 😊 )

 ATMO - Mill Mgmt | You, Don, John, +2

 Bonnie Bainter 7/6/22 4:17 PM  
Just a heads up, I received a call from Michael VanDorn our MSHA **inspector**. He advised that in compliance with the current Silica study each mill that has received violations in the past, are required to undergo an air and noise test....



## Mill Group Chat

Monday, April 3



John Spears 4/3 7:03 AM

Good morning Crew! Let's continue with SO-316. We're about to finish the OGR for this order. Be sure to check in with your Safety exams.



3



John Spears 4/3 8:05 AM

I'm in the mill.

4/3 10:48 PM

## Exhibit 13

Exhibit P-43, Page 806

4/3 10:49 PM

Everyone be weather wise tomorrow...

## Moderate potential for severe weather Tuesday announced by National Weather Service

Jeff Smithpeters April 3, 2023



1

Tuesday, April 4



John Spears 4/4 7:15 AM

Everyone done very well yesterday. Let's keep this going. Keep an eye out for hazards. Let's keep up with the safety exams.



John Spears 4/4 8:10 AM

Taking Ronnell to quarry.



John Spears 4/4 5:10 PM

Good job today everyone. I realize we were a man short but y'all stepped up and we had a good day. We'll continue with OGR for our next order. Then we have a couple of cream orders. I drove everyone of the forklifts today. Did an exam on each. Hope you all are doing the same. If you see a potential problem, let Rob know and he'll contact a maintenance man. Thanks again.



Wednesday, April 5



Ronnell Fondren 4/5 7:10 AM

2 loads of rock is being brought down from the dry sheds



Patrick Lewis 4/5 7:31 AM

That's nice lol thanks sir



Julie Ann Cureg 4/5 9:14 AM

Good morning Alex Snodgrass John Spears just a heads up. SO-594 will be picked up today. They didn't give a specific pick-up time but per carrier, it should be noon. Just waiting for the BOL from the carrier to send it back to us they are just doing a quick revision.



4/5 9:23 AM

Julie Ann Cureg Who is the trucking company, so we know who to look for?



Julie Ann Cureg 4/5 9:26 AM

It's Primo. I added it to the Prod Calendar



Alex Snodgrass John Spears I just added the Bag Label and BOL. Ready for printing.



John Spears 4/5 9:40 AM

Julie Ann Cureg we're using Primo's BOL only and not one of ours. Correct?



Julie Ann Cureg 4/5 9:41 AM

Yes. I deleted ours



John Spears 4/5 9:41 AM

Very good. Thank you.



Exhibit 13

Exhibit P-43, Page 807

We'll have it ready in 30 minutes.



Thursday, April 6



Ronnell Fondren 4/6 12:00 PM

Robert Baumann someone needs to check and make sure the primary tank isn't low, and if it is then, rock will need to be sent up. Please n thank u



John Spears 4/6 12:02 PM

The primary rose tank is a little below half when I checked at 1030am today. Auxiliary tank is full.



Robert Baumann 4/6 12:04 PM

Yep I am planning on Jim crushing this AF



John Spears 4/6 12:04 PM

Very good.



Ronnell Fondren 4/6 12:05 PM

Robert Baumann 4/6/2023 12:04 PM

Yep I am planning on Jim crushing this AF

Gotcha, well I already started it when everyone took break



John Spears 4/6 12:07 PM

Ronnell Fondren thank you but you need to communicate with Robert Baumann before you move to another area.



Robert Baumann 4/6 12:08 PM

Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments



John Spears 4/6 12:08 PM

Very good.



Ronnell Fondren 4/6 12:09 PM

Mmmmmk

Robert Baumann 4/6/2023 12:08 PM

Ronnell Fondren I discussed speaking with John Spears or I about tasking assignments

Why is it that when I take initiative there's always this and that, when no one else has been on top of it but "ME".. but it's whatev..



John Spears 4/6 12:12 PM

Since we're trying to establish a culture of safety, we need to know were everyone is incase someone needs help. Personal initiative is great but we need to communicate with the chain of command for safety first.



Robert Baumann 4/6 12:13 PM

Ronnell Fondren everything is still running we can't just walk off of especially this "crushing"



Ronnell Fondren 4/6 12:16 PM

Robert Baumann 4/6/2023 12:13 PM

Ronnell Fondren everything is still running we can't just walk off of especially this "crushing"

I didn't just walk off, I was told it was break and that the tank light was on n it needed to fill up n that whoever was feeding stopped. So when every disbursed I started the crusher up. So no I just don't walk off

**Exhibit 13**

Exhibit P-43, Page 808



RJ Williams 4/6 3:51 PM



**Exhibit 13**

Exhibit P-43, Page 809





👍 2

SO-594 has been shipped

Friday, April 7



John Spears 4/7 6:49 AM

Good morning Crew! We'll continue with the OGR and finish SO-323. The next order is OGR as well. [Jeremy Talbert](#) and I will look at the packer nozzle and try to figure out why the "fill assist" air will not shut off. I'll move the bulk bags of Rose over to the quarry garage. [Ronnell Fondren](#) will be at the quarry today. Let's have a good Friday on Good Friday.

👍 1



Robert Baumann 4/7 9:09 AM

Power surge everything kicked out DANG it we are trying to reset everything

👍 1

**Exhibit 13**

Exhibit P-43, Page 810



Robert Baumann 4/7 9:25 AM



Someone hit some lines down the street we are shut down for a awhile



Robert Baumann 4/7 10:03 AM

Got the thumbs up now going to try to fire back up and get everything unclogged



John Spears 4/7 10:08 AM

Good deal.

We're getting 250 HT Large this coming Monday.



Robert Baumann 4/7 12:21 PM

[Jeremy Talbert](#) please come to bagger



John Spears 4/7 1:50 PM

Somehow this plastic bag made its way up to flour elevator to the 4th floor and plugged up the shaker/vibrator. We need to police up the trash and dispose properly. Thanks.



Robert Baumann 4/7 1:56 PM

Good point of reference to really watch while crushing

## Exhibit 13

Exhibit P-43, Page 811



JS

John Spears 4/7 2:29 PM



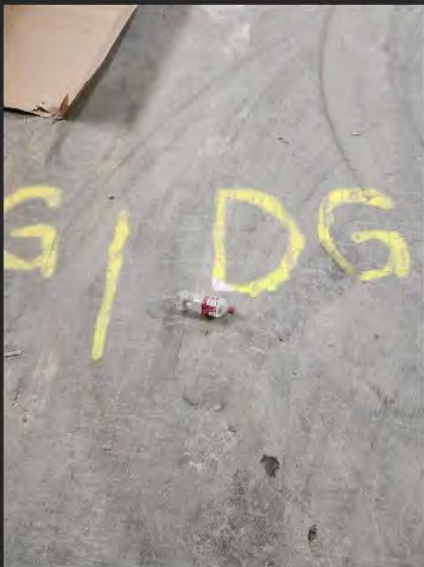
### Exhibit 13

Exhibit P-43, Page 812



**Exhibit 13**

Exhibit P-43, Page 813



Here are a few examples. Before we go home today everyone needs to scour the mill and pick up the trash please. I appreciate y'all's hard work and I enjoy providing soda every now and then but we gotta keep the trash picked up. Thanks.



1

## Exhibit 13

Exhibit P-43, Page 814



JS

John Spears 4/7 3:09 PM



I picked these off of the pick belt before they went into the pulverizer. Whoever is tasked to operate the crusher please keep an eye out for big flint rocks. As you can see from the size of these they originally came from a bigger piece before it went through the crusher. Flint rocks this size can really reek havoc on the pulverizer. Thanks.

JM

Jessie Moles 4/7 3:45 PM

Everyone make sure to shave over the weekend so i can do a fit test Monday morning. Rob will send you over one at a time so not to interfere with production.

👍 1

Mustaches are fine

Unless you have a mask that can properly fit to your face with facial hair

Monday, April 10

JS

John Spears 4/10 7:04 AM

Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is out sick today. He'll be in the quarry the rest of the week. Jeremy is out today so Ryan will be the only maintenance person. Jessie will try to get everyone fit tested for masks today. Let's have a good Monday.

👍 1

4/10 7:10 AM

John Spears 4/7/2023 2:32 PM

Here are a few examples. Before we go home today everyone needs to scour the mill and pick up the trash please. I appreciate y'all's har...

This should be common sense, but even MSHA makes it a requirement:

#### **§ 56.20003 Housekeeping.**

At all mining operations -

(a) Workplaces, passageways, storerooms, and service rooms shall be kept clean and orderly;

Robert Baumann

4/10 7:41 AM

John Spears 4/10/2023 7:04 AM

Good morning crew. We'll continue with OGR. It's a pretty big order. Be sure to do your forklift and work area safety exams. Ronnell is ou...

Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow

👍 1

JS

John Spears 4/10 7:43 AM

Robert Baumann 4/10/2023 7:41 AM

Jim is off today and not here also John Spears we may have to reschedule the fit tests for tomorrow

Sounds good

**Exhibit 13**

Exhibit P-43, Page 815

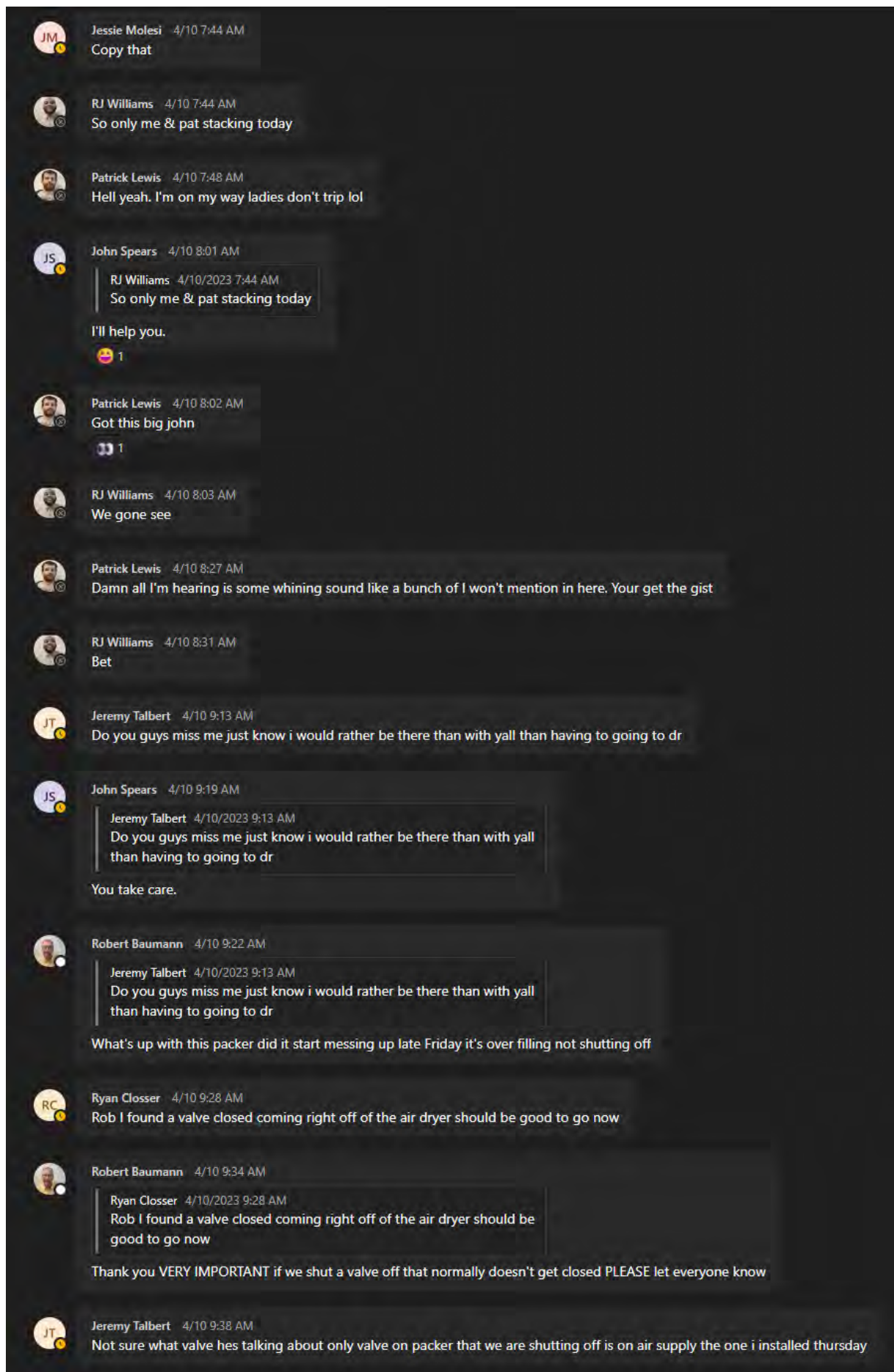


Exhibit 13

Exhibit P-43, Page 816



Robert Baumann 4/10 9:49 AM



Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning



John Spears 4/10 9:50 AM

Robert Baumann 4/10/2023 9:49 AM

Also bearing in the filler screw will need replaced very soon losing a lot of product while filling and even pouring out while not turning

Thank you.



Jeremy Talbert 4/10 9:57 AM

I noticed this friday i was gonna see about doing it Saturday when i make up today if johb was okay with that i think the bearingbis in the maintenance shop



Ryan Closser 4/10 10:02 AM

The valve that was shut off was the 4" main directly above the air dryer... Downstairs. It's a 4" ball valve and feeds the entire system. NOT the little 1/2" Gate valve on the second floor next to the packer.



Jeremy Talbert 4/10 10:04 AM

Yeah i know which one your talking about what about the others where they all opened i drain the air tanks everyday theres never any moisture



Ryan Closser 4/10 10:53 AM

The valve on the end of the air tank closest to the second floor steps or right outside the shop door it was closed as well. It seemed as if somebody closed it in an effort to try to lock air in the system for the weekend. If we're trying to do that we're inviting problems.



It's just my personal opinion



John Spears 4/10 12:19 PM

Robert Baumann don't feed. We're working on the impeller bearing.



Tuesday, April 11



John Spears 4/11 7:08 AM

Good morning Crew! We'll finish SO-325 this morning. Everyone did very well yesterday with pallets, impeller bearing and staging product. Thank you.

I've have to see Lehar's diesel this morning. They open at 8am. I'll be on to the mill directly afterwards.



Robert Baumann 4/11 10:45 AM

Alex Snodgrass can we get the labels for the maverick order please



Alex Snodgrass 4/11 10:45 AM

On it

**Exhibit 13**

Exhibit P-43, Page 817



Jessie Molesi 4/11 10:53 AM

Jim Hoover, Patrick Lewis, Ronnell Fondren, and RJ Williams I have you guys scheduled for both an audiogram and Pulmonary function tests (PFT) for Wednesday (4/12/2023) at 0900 am at Express Wellness/ 2518 N Main St, Miami, OK 74354. I have forms that you have to bring with you to the appointment that I will bring to you. Ronnell when you get a chance could you stop by the office to grab the form before you leave for the day.

1
 1

Please acknowledge when you read this message

Jim Hoover 4/11 11:46 AM

Okay

John Spears 4/11 4:04 PM

Be sure to bring your paper for the breathing and hearing test tomorrow. I will drive y'all.

Jessie Molesi 4/11 4:49 PM

Ronnell Fondren RJ Williams Jim Hoover Patrick Lewis

Hey everybody make sure to fill out the top portion of the sheet I gave you with your information that I left blank. Also can each one of you private message me with your birthdate and phone number so I can send it to express wellness. Please acknowledge when you get this

Wednesday, April 12

John Spears 4/12 6:52 AM

Jim Hoover Ronnell Fondren Patrick Lewis RJ Williams be sure to bring back your paper for the lung test today. Don't be late. I'm driving you over there.

Patrick Lewis 4/12 6:55 AM

We get ice cream too right?

John Spears 4/12 8:13 AM

We're headed to Miami, OK for health test at Xpress Wellness

John Spears 4/12 8:53 AM

We have arrived.

Robert Baumann 4/12 9:08 AM

John Spears 4/12/2023 8:53 AM

We have arrived.

Call me asap

Patrick Lewis 4/12 9:09 AM

ASAP

Friday, April 14

4/14 8:04 AM

**IMPORTANT!**

Hi Guys.

From what we are learning in dealing with MSHA, and the recent air quality test results... those individuals who were tested as overexposed will need to wear a Powered Air Purifying Respirator (PAPR) until we can get the air readings back down to under the limits.

We have ordered these PAPR masks. These should be in Mon-Wed of next week.

We dont want you guys missing that many days of no pay so John and I are going to discuss later today about how we can keep you guys working mon-when ever the masks come in. I do apologize for yesterday and today.

The plan is as soon as the masks come in, to have Jessie put them together, and notify MSHA so they can modify the Citation/Order on the mill so we can run product. Then he will notify you guys to come in and get fit tested for these new masks (yes, its required to fit test you with each new style/manufacture mask).

As soon as every affected associate is fit tested and we can operate, we need to. Whether this is Tuesday, Wednesday, or Thursday. What ever day it is. We need to get back to pumping out product. Payroll and bills still need to get paid!

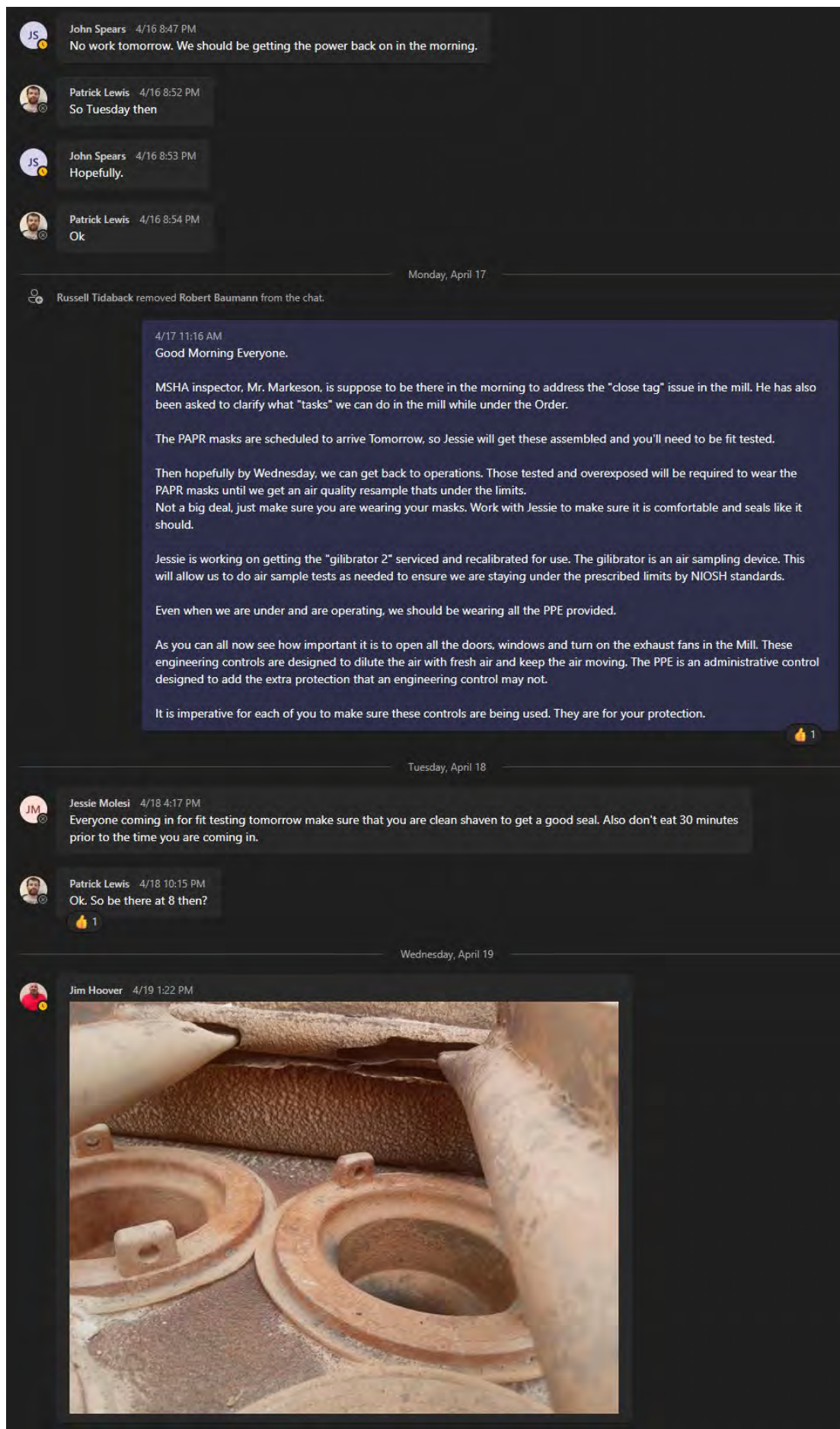
This should be a learning lesson for all... the opening of all doors, windows each morning and closing of all doors, windows each afternoon AND turning on all exhaust fans is CRITICAL each and every day.

This simple tasking is on the board in the breakroom... this should not be overlooked!

Any questions on this post, please collaborate or ask Rob/John/Jessie directly.

Sunday, April 16

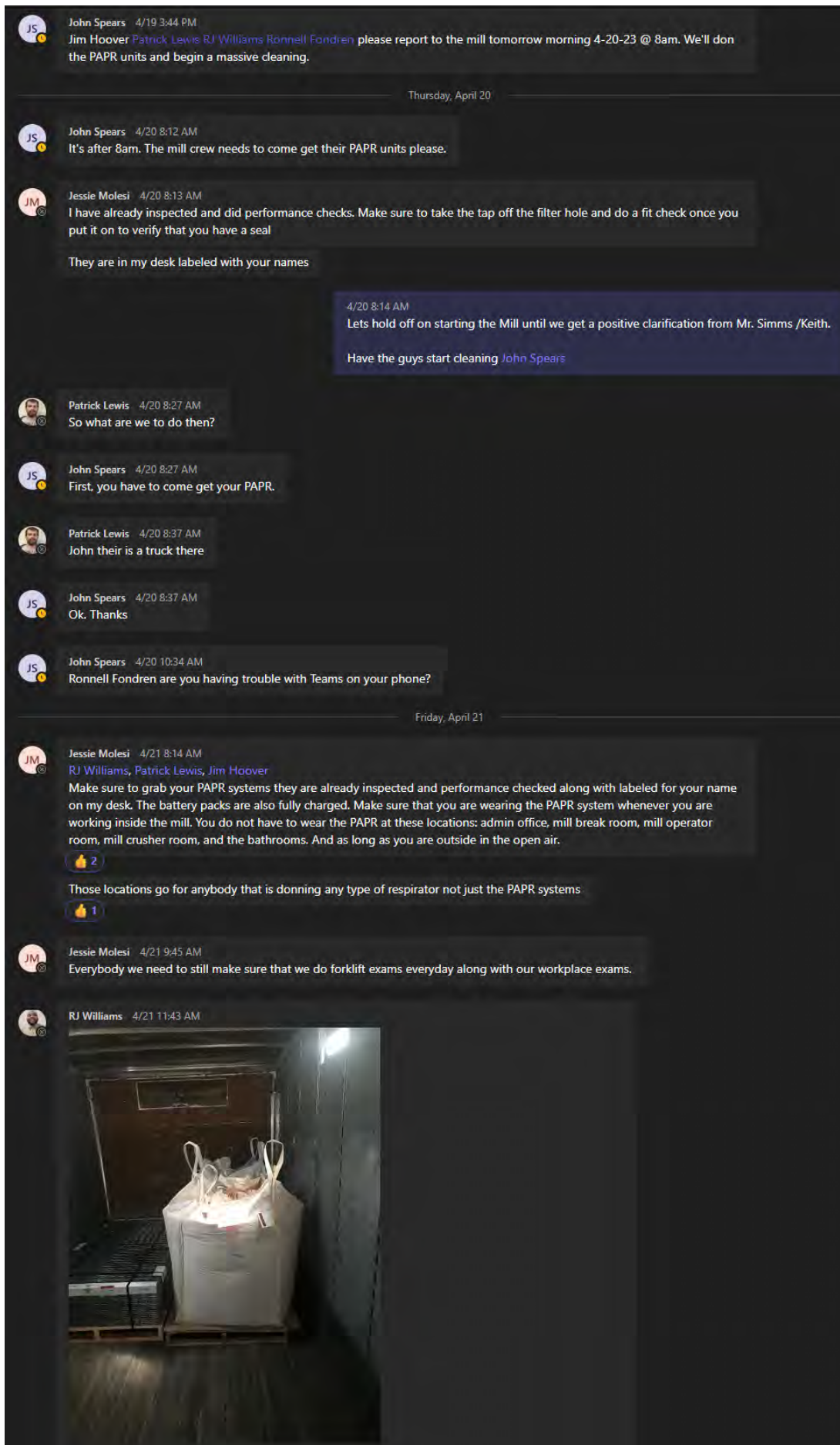
Russell Tidaback removed Alex Snodgrass from the chat.



**Exhibit 13**

Exhibit P-43, Page 819





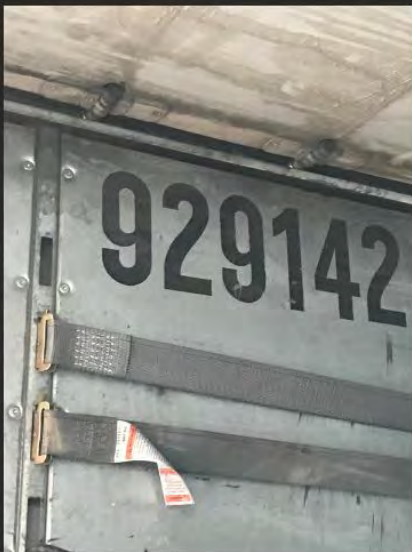
## Exhibit 13

Exhibit P-43, Page 820



**Exhibit 13**

Exhibit P-43, Page 821



👍 1

So 595 just been shipped



Julie Ann Cureg 4/21 11:50 AM

Hi RJ Williams John Spears, could you please upload the signed BOL to the folder? Thanks!

## Exhibit 13

Exhibit P-43, Page 822



JS

John Spears 4/21 11:51 AM

Julie Ann Cureg 4/21/2023 11:50 AM

Hi RJ Williams John Spears, could you please upload the signed BOL to the folder? Thanks!

Sure will.

1

RJ Williams

4/21 11:58 AM

JS

John Spears 4/21 11:59 AM

Thanks RJ. When I get back I'll scan the BOL

1

Sunday, April 23

4/23 11:42 AM

Guys, When the driver signs the BOL, if the drivers name is unreadable, please have the driver print their name under their signature. Trucking companies, just like our company, are going through a lot of employee change over. To save a lot of hassle, make sure you can read the drivers name.

The Bill of Lading (BOL) is the official document that transfers the buyers order risk of completion from us (the seller) to the trucking company. We need to know by name and truck/trailer number WHO signed for the order. This is to protect not only us but also the buyer.

2

Monday, April 24

JM

Jessie Molesi 4/24 8:55 AM

Everybody make sure we keep doing the workplace safety exams everyday along with the forklift inspections exam. Also the PAPR systems are in the main office and they have been both inspected and performance checked.

1

JS

John Spears 4/24 4:27 PM

Jim Hoover Patrick Lewis RJ Williams Ryan Classer make sure everything is closed up and locked up before you leave please. Respond please.

Patrick Lewis

4/24 4:40 PM

Just finished the shutdown procedures

Exhibit 13

Exhibit P-43, Page 823

Appellate Case: 25-1349 Page: 2966 Date Filed: 04/07/2025 Entry ID: 5503844





## Exhibit 13

Exhibit P-43, Page 825





SO-316A



## Exhibit 13

Exhibit P-43, Page 826



STRAIGHT BILL OF LADING - SHORT FORM																							
<b>Ship From:</b> KANSASIAN TRIMPOLE 400 SONGDA Street Omaha, NE 68105 (416) 529-0400		<b>DATE:</b> 04/26/2023 <b>PO #:</b> 202201-EXPOLINE																					
<b>Ship To:</b> DMSI TRAIL LOGISTIC PARK KANSAS CITY 17400 S. 100th St. Suite 100 KS, 66161		<b>CARRIER NAME:</b> KES INC <b>TRAILER NO:</b> SEGU 1451097 <b>CONTAINER NO:</b> 2013 <b>WEIGHT:</b> 67,342.1																					
<b>Ship Via:</b> Private Carrier Bill of Lading		<b>Special Instructions:</b> UNCL CODE: 914001/9200/144 (NFI & BOND) (TARE)																					
<table border="1"> <thead> <tr> <th>Item</th> <th>Description</th> <th>Qty</th> <th>Weight</th> <th>Volume</th> </tr> </thead> <tbody> <tr> <td>4001</td> <td>1000 BAGS GROUND TROPOIL</td> <td>1</td> <td>40,000</td> <td></td> </tr> <tr> <td>20</td> <td>40 T LARD</td> <td>1</td> <td>300</td> <td></td> </tr> <tr> <td colspan="2">Total Weight:</td> <td></td> <td>61,075</td> <td></td> </tr> </tbody> </table>				Item	Description	Qty	Weight	Volume	4001	1000 BAGS GROUND TROPOIL	1	40,000		20	40 T LARD	1	300		Total Weight:			61,075	
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4001	1000 BAGS GROUND TROPOIL	1	40,000																				
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<b>Signature:</b> John Spence <b>Date:</b> 04/26/23 <b>Print Name:</b> J. Spence																							

**Exhibit 13**

Exhibit P-43, Page 827





SO-316E



Thursday, April 27



Julie Ann Cureg 4/27 8:11 AM

Good morning John Spears, I have uploaded the new BOL for SO-606 to its folder. Please prepare as they will pick up the order today. ETA to be confirmed.



John Spears 4/27 8:13 AM

Julie Ann Cureg 4/27/2023 8:11 AM

Good morning John Spears, I have uploaded the new BOL for SO-606 to its folder. Please prepare as they will pick up the order today. ETA...

Will do. Thank you.



Julie Ann Cureg 4/27 8:16 AM

Thank you!

Friday, April 28



Russell Tidaback removed Ronnell Fondren from the chat.



Russell Tidaback added Brian Schmidt to the chat and shared chat history from the past day.



Jim Hoover 4/28 1:39 PM

On number 20



4/28 1:41 PM



John Spears 4/28 3:10 PM

We'll need some 48x40 pallets brought over for Monday.



John Spears 4/28 3:23 PM

I'm taking Brian to the drying sheds.

Monday, May 1

Exhibit 13

Exhibit P-43, Page 828



## AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865  
TEL.NO.+1.417.776.2216

### NO GOSSIP POLICY

In our workplace, gossip is an activity that can drain, distract and downshift our job satisfaction. We all have participated in this, yet most say we don't like it. To create a more professional workplace, we are committing to making a gossip-free environment.

**Gossip n.** Rumor or talk of a personal, sensational, or intimate nature. A person who habitually spreads intimate or private rumors or facts. Trivial, chatty talk, or writing.

You will notice that gossip is a noun, meaning it is something you DO. That also means that gossip is something you choose to do, and you can choose NOT to do. You enter into gossip by choice-you can opt out of the activity at work. To end gossip means to end a particular type of communication – and that can be talk, text, social media, or email communications.

- Gossip always involves a person who is not present.
- Unwelcome and negative gossip involved criticizing another person.
- Gossip often is about conjecture that can injure another person's credibility or reputation.

#### **To have a more professional, gossip-free workplace, I promise to:**

1. Not speak or insinuate another person's name when that person is not present unless it is to complement or reference that individual regarding work matters.
2. Refuse to participate when another mentions a person who is not present in a negative light. I will change the subject or tell them I have agreed not to talk about another individual.
3. Choose not to respond to negative emails, texts, or social media posts, or use emails, texts, or social media posts to pass on private or derogatory information about another individual from the workplace.
4. While off the job, I will not speak to another co-worker about people at work in a derogatory light. If I have feelings, I will select to talk to someone, not at the workplace.
5. If a co-worker does something unethical, against procedures, or disruptive, I will use the proper channel to report this to the operations manager to take corrective action.
6. I will mind my own business, do good work, be a professional adult, and expect the same from others.

**By signing below, I acknowledge that I have read the above No Gossip Policy and intend to abide by the above mention guidelines. I am aware that if I fail to abide by said guidelines, I may face disciplinary action, including possible termination.**

EMPLOYEE SIGNATURE:

Cheri Blount

DATE:

8/9/22

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

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## Employee's Handbook Table of Contents

1. [Welcome](#)
2. [Getting To Know The Company](#)
3. [Employment Basics](#)
  1. [Employment Contract Types](#)
  2. [Equal Opportunity Employment](#)
  3. [Recruitment and Selection Process](#)
    1. [Background checks](#)
    2. [Referrals](#)
  4. [Attendance Policy](#)
4. [Workplace Policies](#)
  1. [Confidentiality and Data Protection](#)
  2. [Harassment and Violence](#)
    1. [Workplace harassment](#)
    2. [Workplace violence](#)
  3. [Workplace Safety and Health](#)
    1. [Preventative action](#)
    2. [Emergency management](#)
    3. [Smoking](#)
    4. [Drug-free workplace](#)
  4. [Expense Approval and Reporting Policy](#)
    1. [Purpose of Policy](#)
    2. [Scope of Policy](#)
    3. [Procedure](#)
5. [Associate Code of Conduct](#)
  1. [Dress Code](#)
  2. [Cyber Security and Digital Devices](#)
    1. [Internet usage](#)
    2. [Cell phone](#)

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- 
3. [Corporate email](#)
  4. [Social media](#)
  3. [Conflict Of Interest](#)
  4. [Associate Relationships](#)
    1. [Fraternization](#)
    2. [Gifts](#)
    3. [Employment of relatives](#)
  5. [Workplace Visitors](#)
  6. [Solicitation and Distribution](#)
  6. [Compensation & Development](#)
    1. [Compensation Status](#)
  7. [Department of Labor & Industrial Relation.](#)
    1. [Overtime](#)
    2. [Payroll](#)
    3. [Performance Management](#)
      1. [How we expect managers to lead associates](#)
    4. [Associate Training and Development](#)
  8. [Required Training for certain roles:](#)
  9. [Benefits And Perks](#)
    1. [Retirement](#)
    2. [Associate Health](#)
    3. [Workers' Compensation](#)
    4. [Work From Home](#)
      1. [Remote working](#)
    5. [Associate Expenses](#)
    6. [Company Car](#)
    7. [Parking](#)
    8. [Company-Issued Equipment](#)
  10. [Position-Related Clothing Allowance](#)
  11. [Time](#)
    1. [Working Hours](#)

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---

12. [Time Clock for Hourly Employees](#)

1. [Paid Time Off \(PTO\)](#)
2. [Holidays](#)
3. [Bereavement Leave](#)
4. [Jury Duty and Voting](#)

13. [Missouri Juror Info: https:// www.courts.mo.gov/ page.jsp?id=103118](https://www.courts.mo.gov/page.jsp?id=103118)

1. [Parental Leave](#)
  1. [Paternity and maternity leave](#)

14. [Leaving The Company](#)

1. [Progressive Discipline](#)
2. [Resignation](#)
  1. [Tuition or relocation reimbursement](#)
  2. [Forced resignation](#)
3. [Termination](#)
4. [References](#)
  1. [Resources](#)

15. [Policy Revision](#)



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## Welcome

Hello and welcome! Thank you for joining the American Tripoli team, where we strive to emphasize product quality, consistency, and excellent customer service. We can't wait to see what you will achieve with us.

This associate handbook defines who we are and how we work together. We will do everything possible to create a fair and productive workplace, but we need your help. We've created this handbook to guide you.

This handbook isn't a contract or a guarantee of employment. It's a collection of the expectations, commitments, and responsibilities. Please read this associate handbook carefully and consult it whenever you need to.

## Getting To Know The Company

American Tripoli has been in business since 1869. It has been sold and changed ownership numerous times throughout its history. The underlining purpose of the company has not changed through all of this. The company surrounds itself in the basic concept of open-pit mining, processing, manufacturing, advertising, selling, and distributing the product(s).

Make sure you utilize the company website to learn about the product(s) we manufacture and sell.

We are a growing company that will be using all available resources to make this company grow and multiple in not only in gross revenue but also global market share.

## Employment Basics

In this section, we explain the associate contract types and define the basic employment policies.

### Employment Contract Types

Full-time associates work at least 30 hours per week or 120 hours per month on average.

Independent Contractor - common situations may arise when we need for projects of short or specific

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duration where specialize knowledge or expertise is required or exigent circumstances such as meeting the operational needs when an associate goes on an extended leave of absence. Part-time associates are those who work fewer than 30 hours per week.

Full-time and part-time associates can have either temporary or indefinite duration employment contracts. Full-time associates under an indefinite duration contract are entitled to the company's medical and dental benefits package after their first 90-day employment period.

We remind you that, in the U.S., employment is "at-will". This means that you or the company may terminate the employment relationship at any time and for any non-discriminatory reason(s).

## Equal Opportunity Employment

American Tripoli is an equal opportunity employer. We don't tolerate discrimination against protected characteristics (gender, age, sexual orientation, race, nationality, ethnicity, religion, disability, veteran status). We want all associates to treat others with respect and professionalism. In practice, this means that we:

- Hire and promote people based on skills, experience or potential and try to reduce bias in every process (e.g. through structured interviews.)
- Make accommodations to help people with disabilities move about safely on the premises and use the products, services, and equipment.
- Use inclusive, diversity-sensitive language in all official documents, signs and job ads.
- Conduct diversity and communication training.

Apart from those actions, we commit to penalizing every discriminatory, offensive, or inappropriate behavior. To do this properly, we ask you to report any discriminatory action against yourself or your colleagues to your manager. If it is your manager, report it to their manager. The company will not retaliate against you if you file a complaint or discrimination lawsuit. Any associate who retaliates or discriminates will face disciplinary action.

## Recruitment and Selection Process

The hiring steps might vary across roles, but we always aim for a process that is fair and effective in hiring great people. As a Department Manager, If you are hiring for an open role, you will likely go through these steps:

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- I. Identify the need for a new job opening.
  - II. Decide whether to hire externally or internally.
  - III. Review job descriptions and write a job ad.
  - IV. Get approval from Senior Management for your job ad.
  - V. Select appropriate sources (external or internal) to post your job opening.
  - VI. Decide on hiring stages and possible timeframes.
  - VII. Review resumes in the company database.
  - VIII. Source passive candidates.
  - IX. Shortlist applicants.
  - X. Screen and interview candidates.
  - XI. Run background checks and check references.
  - XII. Select the most suitable candidate.



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**XIII. Make an official offer.**

Steps may overlap, so skip steps when appropriate. Each member of a hiring team might have different responsibilities (e.g. recruiters source and hiring managers interview candidates.)

Throughout this process, we aim to keep candidates informed, communicate well with each other, and give everyone an equal opportunity to work with us. Ask the recruiters for help whenever you need to enhance candidate experience or write an inclusive job description.

**Background checks**

If you want to run background checks on candidates, ask the Operations Manager for guidance. This process is sensitive, and we must always abide by laws and ensure candidates understand the intentions. As a rule, commission a background check for finalists only. Use the contracted provider and ensure you have your candidates' permission.

**Referrals**

If you know someone who you think would be a good fit for a position at the company, feel free to refer them. If we end up hiring your referred candidate, you are eligible for \$600 referral bonus. The associate referral rewards may be higher if we hire your referred candidate in a hard-to fill role. For example, if we hire your referral for the position of Manager, you may receive \$1200.

**Additional rules for rewards:**

- Reward payout schedule is 1/3 within a month of the date we hired a referred candidate. Second 1/3 at the completion of the referred candidates first 180 days of employment. If Candidate quits, resigns, or is terminated for any reason before the completing first 180 days of employment the second ½ reward is provided. Final 1/3 at the completion of the referred candidates first 360 days of employment. If Candidate quits, resigns, or is terminated for any reason before the completing first 360 days of employment the second and or final 1/3 reward is provided

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- 
- There is no cap on the number of referrals an associate can make.
  - If two or more associates refer the same candidate, only the first referrer will receive the referral incentives.
  - Candidates can only be referred once; all referrals are recorded.
  - Referrers are still eligible for rewards even if a candidate is hired later for same position. It is the referrers responsibility to keep a record of who they refer and when. Any discrepancy, results go to the company.

**Who can be referred?**

We have two conditions for candidates who can qualify you for the rewards. They should:

- Have not applied to the company before
- Be hired as permanent full- or part-time associates (not as temporary associates or contractors)

The company may use an online form or a platform where associates may refer candidates. You can also reach out directly to your Manager with referrals. Generally, we encourage you to check the open positions and consider your social networks and external networks as potential resources for referred candidates. Keep in mind that rewards may be subject to taxation. Please contact your Manager for more information.

**Attendance Policy**

Team Members' absence/ tardiness will be assessed using a points system. This points system starts after the first 90 days of employment. The occurrence of point 1 is forgiven, the occurrence of point 2 is a verbal warning, the occurrence of point 3 is a "written" warning, and the occurrence of point 4 results in termination. This point system resets every year, for example, if a Team Member started work on March 1st, their 90-day mark would be May 30th and they would begin the points system. Any points accrued between May 30th and May 29th of the following year would drop off, and the Team Member would restart with 0 points on May 30th that next year.

Absences count as points when they are non-approved and non-PTO. Unexpected absences still count as points, even if the Team Member notifies their manager prior to the start of the shift. Missed work without notification is a serious offense. More than 2 days in a row missed without giving notification will result in immediate termination.

Tardiness over 15 minutes will be counted as 0.5 points. Leaving work early or for some time during the day is also generally 0.5 points, but will be counted as 1 full point, if more than 2 hours of work are

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missed. Excessive tardiness where less than 15 minutes of work is missed can still be grounds for termination.

If an emergency occurs, Team Members are allotted 2 emergency days per year. These are days missed for good reason that will not count as points. The year for emergency days works the same as the year for points, starting at the 90th day of employment.

Overtime, not to exceed 50 hours per week, may be required. If overtime is required, Team Members will be given at least 2-day notice. Required overtime is considered working hours, and the points system will still apply. Volunteers may be taken for overtime work that comes up without a 2-day notification.

Absences within the first 90 days of employment are more serious. More than one absence within the first 90 days may be grounds for termination, depending on the situation.

## Workplace Policies

This section describes policies that apply to everyone at the company: associates, contractors, volunteers, vendors, and stakeholders alike. These policies help us build a productive, lawful, and pleasant workplace.

## Confidentiality and Data Protection

We want to ensure that private information about clients, associates, partners, and the company is well-protected. **Examples of confidential information are:**

- Associate records
- Unpublished financial information
- Data of customers/partners/vendors
- Customer lists (existing and prospective)
- Unpublished goals, forecasts and initiatives marked or unmarked

As part of the hiring process, we will ask you to sign non-compete and non-disclosure agreements (NDAs.) We are also committed to:

- Restrict and monitor access to sensitive data.
- Develop transparent data collection procedures.
- Train associates in online privacy and security measures.
- Build secure networks to protect online data from cyberattacks.
- Unpublished goals, forecasts and initiatives marked or unmarked

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We also expect you to act responsibly when handling any company internal information and treat it all as confidential information.

**You must:**

- Lock or secure company information at all times.
- Make sure you view confidential information on secure devices only.
- Only disclose information to other associates when it's necessary and authorized.
- Keep confidential documents inside the company's premises unless it's necessary to move them.
- There should be NO or absolute minimal printing of anything. Printing is ONLY allowed for customer shipping documents or for MSHA documentation (since they like to have a hard copy on each inspection).
- If you acquire a receipt from a purchase, delivery, mail, etc., scan the document into the system. The easiest method to do this is by using your cellphone's camera to take a picture, then upload the picture straight into the respective folder in Teams or by using the scanner in the admin building. Once you have verified the receipt is scanned and stored online, throw the paper copy away.
- We do not want paper copies of anything. We want a digital copy of every document. We want the administration of the business to be as lean as we possibly can. We want all documentation stored online. 100% no paper office is the goal. This is very important, and we cannot stress this enough. We want the assurance that if something such as a flood, a fire, a tornado, or we build a new mill building we will not be lost or struggling to quickly break from the Seneca location.
- It is your responsibility to preserve, scan, verify and store the documentation in the approved file storage provided.

**You must not:**

- Use confidential information for your personal benefit or profit.
- Disclose confidential information to anyone outside of the company.
- Replicate confidential documents and files and store them on insecure devices.

This policy is important for the company's legality and reputation. We will terminate any associate who breaches the confidentiality guidelines for personal profit and seek legal recourse. We may also

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discipline any unintentional breach of this policy depending on its frequency and seriousness. We will terminate associates who repeatedly disregard this policy, even when they do so unintentionally.

## Harassment and Violence

To build a happy and productive workplace, we need everyone to treat others well and help them feel safe. Each of us should do the part to prevent harassment and workplace violence.

### Workplace harassment

Harassment is a broad term and may include seemingly harmless actions, like gossip. We can't create an exhaustive list, but here are some instances that we consider harassment:

- Sabotaging someone's work on purpose.
- Commenting derogatorily on a person's ethnic heritage, religious beliefs, or sexual preference.
- Train associates in online privacy and security measures.
- Starting or spreading rumors about a person's personal life.
- Ridiculing someone in front of others or singling them out to perform tasks unrelated to their job (e.g. bringing coffee) against their will.

Sexual harassment is illegal, and we will seriously investigate relevant reports. If an associate is found guilty of sexual harassment, they will be terminated immediately.

If you're being harassed, whether by a colleague, customer, or vendor, you can choose to talk to any of these people:

- Offenders. If you suspect that an offender doesn't realize they are guilty of harassment, you could talk to them directly to resolve the harassment. This tactic is appropriate for cases of minor harassment (e.g., inappropriate jokes between colleagues. It may not seem inappropriate to those in the conversation where it is being said but can be inappropriate to those overhearing the conversation).
- Your manager. If customers, vendors, or team members are involved in your claim, you may reach out to your manager. Your manager will assess your situation

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- Senior Management. Feel free to reach out to Senior Management in any case of harassment no matter how minor it may seem. For your safety, Senior and may his/her manager if appropriate.
- Starting or spreading rumors about a person's personal life.
- Ridiculing someone in front of others or singling them out to perform tasks unrelated to their job (e.g. bringing coffee) against their will.

Management as soon as possible in cases of serious harassment (e.g., sexual advances) or if your manager is involved in your claim. Anything you disclose will remain confidential.

**Workplace violence**

Violence in the workplace is a serious form of harassment. It includes physical and sexual assault, destruction of property, threats to harm a person or property and verbal and psychological abuse. We want to avoid those incidents altogether, but we also want to be ready to respond if needed.

For this reason, we ask you to:

- Report to Senior Management if you suspect or know that someone is being violent. Your report will be confidential, and we will investigate the situation with discretion
- Call 911 if you witness incidents of severe physical violence (e.g., ones that involve a lethal weapon.) For your safety, avoid getting involved.

We will treat associates who verbally threaten others as high risk and they will receive an appropriate penalty. If Senior Management finds that an associate commits an act of violence, we will terminate that associate and seek to press criminal charges. Associates who damage property deliberately will be solely responsible for paying for it.

Supporting victims:



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To support victims of workplace violence, we may, provide victims with the lawyer's services to help them file lawsuits.

Get help early on :

Seek help from others early on to mitigate conflicts. For example:

- If you experience conflicts with a colleague, ask your manager for advice before tensions escalate. If these conflicts persist, ask Senior Management whether you could attend conflict resolution seminars with your colleague.
- If you are experiencing personal or work troubles, ask for help from a mental health professional. Check with your insurance provider to determine whether cover any mental health services. Your discussions will remain confidential.

The workplace is founded on mutual respect, and we won't allow anyone to compromise this foundation.

## **Workplace Safety and Health**

The company is committed to creating a hazard-free workplace. To this end, we will ensure workplace safety through preventative action and emergency management.

### **Preventative action**

Preventative actions are any actions we take to avoid injuries or illnesses related to the workplace. We will periodically conduct risk assessments and job hazard analyses through a workplace safety committee to uncover health risks to associates. And we will establish preventative measures to address risks accordingly

At a minimum, we will:

- Hold associate training sessions on safety standards and procedures

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- 
- Make sure associates who work in dangerous locations are safe.
  - Provide protective gear like gloves, protective uniforms and goggles.
  - Direct inspectors and quality control associates to evaluate equipment and infrastructure regularly.

We also expect you to take safety seriously. Always use protective equipment and follow standards whenever necessary. If you deliberately disregard the guidelines, we may terminate you for your own and others' safety.

**Emergency management**

Emergency management refers to the plan to deal with sudden catastrophes like fire, floods, earthquakes, or explosions. The emergency management provisions include:

- Functional smoke alarms and sprinklers that are regularly inspected.
- Technicians (external or internal) available to repair leakages, damages, and blackouts quickly.
- Fire extinguishers and other fire protection equipment that are easily accessible. An evacuation plan posted on each floor and online.
- Fire escapes and safety exits that are clearly indicated.

**Smoking**

American Tripoli is a smoke-free workplace. You can smoke in designated smoking areas and outer premises, like sidewalks. Any other area in the workplace (like restrooms, lobby, offices, staircases, warehouses) is strictly smoke-free to protect non-smokers.

**Emergency management**

Emergency management refers to the plan to deal with sudden catastrophes like fire, floods, earthquakes, or explosions. The emergency management provisions include:



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We also advise you to:

- Extinguish your cigarettes and discard them appropriately.
- Avoid smoking when you have scheduled meetings.
- Avoid smoking near flammable objects and areas.

Setting off fire alarms and causing fires by smoking are serious offenses. If you are found responsible, you may face disciplinary action up to and including termination.

**Drug-free workplace**

American Tripoli is a drug-free workplace. Whether you are an associate, contractor, or visitor, you must not bring, use, give away or sell any drugs on company premises. If you are caught with illegal drugs or show that you are under the influence of substances, you will face disciplinary action up to and including termination.

A list of prohibited drugs and substances includes, but isn't limited to, in any form:

- Heroin .
- Cocaine
- Methamphetamine

**Alcohol:**

We prohibit associates from consuming alcohol during working hours, but they may consume alcoholic drinks in moderation at company events.

**Prescription drugs:**

If you feel that a prescription drug (e.g. an anxiety medication) unexpectedly affects your senses, thinking or movement, ask for the rest of your day off. If your manager suspects substance abuse, you may face disciplinary action.

You **MUST NOT** use medical marijuana in the workplace. We have the right to terminate you if your off duty use of medical marijuana makes you unable to complete your job duties correctly.

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We expect associates who hold safety-sensitive jobs (e.g., machine operators or drivers) to be fully alert and capable of always performing their duties. We may terminate you if we conclude your prescription drug use creates severe safety risks. If you need to use prescription drugs for a limited time and you think they may impair your abilities, use your PTO.

If your job includes secondary tasks that are safety-sensitive and your prescribed drugs affect your ability to perform these tasks, we can make reasonable accommodations to ensure you and your colleagues' safety. If your job includes secondary tasks that are safety-sensitive and your prescribed drugs affect your ability to perform these tasks, we can make reasonable accommodations to ensure you and your colleagues' safety.

**Dealing with addiction :**

Being sober is a prerequisite to thriving at the company and we want to help you as much as possible.

We won't tolerate substance addiction that results in violent, offensive, or inappropriate behavior.

## **Expense Approval and Reporting Policy**

**Purpose of Policy**

This policy outlined applies to all employees who spend money on work-related activities. It is used to standardize the procedure for getting pre-approval, making payments, and submitting documentation for work-related expenses.

**Scope of Policy**

**This policy applies to the following expense types:**

- Immediate expenses necessary for daily operations.
- Procurement for non-immediate needs
- Service providers and other specific expenses
- Expenses needing reimbursement

**Procedure**

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**The approval process for immediate expenses necessary for daily operations:**

- Expenses under \$50 may be purchased without pre-approval.
- Expenses over \$50 should be submitted to the Operations Manager via Teams direct message for approval BEFORE purchase.
- The Operations Manager will then submit the expense request to a Managing Member.
- The Managing Member will communicate the approval or denial of the request to the Operations Manager, who will share it with the team member who requested the expense.

**The approval process for non-immediate procurement needs:**

- Expenses of this type require a quote from THREE DIFFERENT VENDORS.
- All vendor quotes and the selected vendor should be submitted to the Operations Manager via Teams..
- The Operations Manager will communicate with the Manager Member for approval of these expenses.
- The Operations Manager will share the approval or denial of the expense with the requesting team member. The Managing Member may also be a part of this communication..

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**Documentation process for all expenses once approved:**

- The requestor should communicate the approved requests to the Front Desk Team Member who will create a PO.
- Receipts for expenses purchased via credit card, including those under \$50, should be signed and submitted to the Front Desk Team Member within 24 hours.
- Receipts or invoices with PO numbers will be scanned or saved by the Front Desk Team Member and added to Teams in the appropriate folder.

**Service providers and other specific expenses:**

- Service providers that require payment at the time of service should be approved BEFORE BOOKING to ensure payment is available at that time.
- Using service providers for non-immediate needs should follow the same process as the other non-immediate expenses. Therefore, three quotes are needed..
- Immediate need service providers charging via invoice will be documented by the Front Desk Team Member.
- Non-immediate expenses of goods that cannot be purchased from more than one location still need approval and to follow the same process, but only one quote is required.

**Expenses needing reimbursement:**

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- Expenses needing reimbursement may include expenses purchased before receiving a company-issued credit card or mileage reimbursement, among other things.
  - All vendor quotes and the selected vendor should be submitted to the Operations Manager via Teams..
  - Expenses of this kind require PRE-APPROVAL, following the same approval process as other expenses.
  - Documentation of these expenses, which must have receipts, should be documented by the team member responsible for the charges and submitted to the Front Desk Team Member for reimbursement via check once per month.

## Associate Code of Conduct

As an associate, all company policies mentioned above apply to you. We have some additional expectations about your behavior at work, which we outline here. We can't cover every single case of conduct, but we trust you to always use your best judgement. Reach out to your manager if you face any issues or have any questions.

### Dress Code

The company's official dress code is casual. This includes shoulder covered t-shirts, shorts no shorter than mid-thigh and open toed shoes (admin staff only). However, an associate's manager may also inform how they should dress. If you frequently meet with clients or prospects, conform to a more formal dress code. If you work in the Mill/Plant or the Quarry you are required to wear appropriate clothing with safety first in mind and as directed by your manager. We expect you to be clean when coming to work and avoid wearing clothes that are unprofessional (e.g., workout clothes, holes in clothing, tank tops, revealing or dirty, smelly clothing.) Dress code is ultimately the responsibility of the department manager.

### Cyber Security and Digital Devices

This section deals with all things digital at work. We want to set some guidelines for using computers, phones, the internet connection, and social media to ensure security and protect the assets.

#### Internet usage

The corporate internet connection is primarily for business. But you can occasionally use the connection for personal purposes as long as they don't interfere with your job responsibilities. Also, we expect you to temporarily halt personal activities that slow down the internet connection (e.g., uploading photos) if you're asked to.

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You MUST NOT use the internet connection to:

- Stream music or videos.
- Make or receive personal video calls.
- Send confidential information to unauthorized recipients.
- Invade another person's privacy and gain access to sensitive information.
- Download or upload pirated movies, music, material, or software.
- Visit potentially dangerous websites that can compromise the network and computers' safety.
- Perform unauthorized or illegal actions, like hacking, fraud or buying/selling illegal goods.

**Cell phone**

We allow use of cell phones at work. But we also want to ensure that your devices won't distract you from your work or disrupt the workplace. We ask you to follow a few simple rules:

- Use your cell phone in a manner that benefits your work (business calls, productivity apps, calendars).
- Keep personal calls brief and use an empty meeting room or common area so as not to disturb your colleagues.

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- Avoid playing games on your phone or texting excessively.
- Avoid using your phone for any reason while driving a company vehicle.
- Don't use your phone to record confidential information.

Also, you must not use your phone in areas where cell phone use is explicitly prohibited (e.g. laboratories, meetings, driving company vehicles, or operating company equipment.)

**Corporate email**

Email is essential to the work. You should use your company email primarily for work, but we allow some uses of your company email for personal reasons.

- Work-related use. You can use your corporate email for work-related purposes without limitations. For example, you can sign up for newsletters and online pservices that will help you in your job or professional growth.
- Personal use. You can use your email for personal reasons if you keep it safe and avoid spamming and disclosing confidential information. For example, you can send emails to friends and family and download eBooks, guides, and other safe content for your personal use.

The general expectations

No matter how you use your corporate email, we expect you to avoid:

- Signing up for illegal, unreliable, disreputable, or suspect websites and services.
- Sending unauthorized marketing content or emails.
- Registering for a competitor's services, unless authorized.



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- Sending insulting or discriminatory messages and content.

- Intentionally spamming other people's emails, including your coworkers.

In general, use strong passwords and be vigilant in catching emails that carry malware or phishing attempts. If you are not sure that an email you received is safe, ask the IT support team.

**Social media**

We want to provide practical advice to prevent careless use of social media in the workplace.

We address two types of social media uses: using personal social media at work and representing the company through social media.

**Using personal social media at work**

You are permitted to access your personal accounts at work. But we expect you to act responsibly, according to the policies and ensure that you stay productive. Specifically, we ask you to:

- Discipline yourself. Avoid getting sidetracked by your social platforms.
- Ensure others know that your personal account or statements don't represent the company. For example, use a disclaimer such as "opinions are my own."
- Avoid sharing intellectual property (e.g. trademarks) or confidential information. Ask your manager first before you share company news that's not officially .
- Avoid any defamatory, offensive, or derogatory content. You may violate the company's anti-harassment policy if you direct such content towards colleagues, clients, or partners.

**Representing the company through social media**

If you handle the social media accounts or speak on the company's behalf, we expect you to protect the company's image and reputation. Specifically, you should:

- Be respectful, polite, and patient.
- Avoid speaking on matters outside your field of expertise when possible."



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- Follow the confidentiality and data protection policies and observe laws governing copyrights, trademarks, plagiarism, and fair use.
- Coordinate with the Marketing department when you're about to share any major-impact content.
- Avoid deleting or ignoring comments for no reason.
- Correct or remove any misleading or false content as quickly as possible

**Conflict Of Interest**

When you are experiencing a conflict of interest, your personal goals are no longer aligned with your responsibilities towards us. For example, accepting a bribe may benefit you financially, but it is illegal and against the business code of ethics. If we become aware of such behavior, you will lose your job and may face legal trouble.

For this reason, conflicts of interest are a serious issue for all of us. We expect you to be vigilant to spot circumstances that create conflicts of interest, either to yourself or for your direct reports. Follow the policies and always act in the company's best interests. Whenever possible, do not let personal or financial interests get in the way of your job. If you are experiencing an ethical dilemma, talk to your manager and we will try to help you resolve it.

**Associate Relationships**

We want to ensure that relationships between associates are appropriate and harmonious. We outline the guidelines, and we ask you to always behave professionally.

**Fraternization**

Fraternization refers to dating or being friends with your colleagues. In this policy, "dating" equals consensual romantic relationships and sexual relations. Non-consensual relationships constitute sexual violence, and we prohibit them explicitly.

**Dating colleagues**

If you start dating a colleague, we expect you to maintain professionalism and keep personal discussions outside of the workplace.

You are also obliged to respect your colleagues who date each other. We won't tolerate sexual jokes,

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malicious gossip, and improper comments. If you witness this kind of behavior, please report it your Manager or Senior Management.

**Dating managers**

To avoid accusations of favoritism, abuse of authority and sexual harassment, supervisors must not date their direct reports. This restriction extends to every manager above an associate.

Also, if you act as a hiring manager, you aren't allowed to hire your partner to your team. You can refer them for employment to other teams or departments where you don't have any managerial or hiring authority.

**Friendships at work**

Associates who work together may naturally form friendships either in or outside of the workplace. We encourage this relationship between peers, as it can help you communicate and collaborate. But we expect you to focus on your work and keep personal disputes outside of the workplace.

**Gifts**

Nothing valued at more than \$25 from a customer, vendor, or other third party can be accepted by an associate. Gifts are allowed but "significantly expensive ones, greater than \$25" must be reported to HR. Guidelines say no gifts can be solicited, and only gifts of minimal value can be accepted.

**Employment of relatives**

Everyone in the company should be hired, recognized, or promoted because of their skills, character, and work ethic. We would not like to see phenomena of nepotism, favoritism, or conflicts of interest, so we place some restrictions on hiring associates' relatives.

To the company, a "relative" is related by blood or marriage within the third degree to an associate. This includes parents, grandparents, in-laws, spouses or domestic partners, children, grandchildren, siblings, uncles, aunts, nieces, nephews, stepparents, stepchildren and adopted children.

As an associate, you can refer your relatives to work with the company. Here are the only restrictions:

- You must not be involved in a supervisory/reporting relationship with a relative.
- You cannot be transferred, promoted, or hired inside a reporting relationship with a relative.
- You cannot be part of a hiring committee, when your relative is interviewed for that position.

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If you become related to a manager or direct report after you both become employed by the company, we may have to transfer one of you or transfer report responsibility.

## Workplace Visitors

If you want to invite a visitor to the offices, please ask for permission from your manager first. Your manager will need to notify the Operations Manager. Also, inform the front office/reception area of your visitor's arrival. Visitors are required to sign in and show identification. You will be asked to return your visitors to front office and have them sign out once their visit is complete.

When you have office visitors, you also have responsibilities. You will be responsible for:

- Always tend to your visitors, especially when they are underage, Never leave a visitor unattended, anywhere on company property, inside or outside the building
- Keep your visitors away from areas where there are dangerous machines, chemicals, confidential records, or sensitive equipment.
- Prevent your visitors from proselytizing your colleagues, gathering donations, or requesting participation in non-company related activities while on the premises.

Anyone who delivers orders, mail or packages for associates should remain at the admin building's reception area. If you are expecting a delivery, the front office will notify you so you may collect it.

## Solicitation and Distribution

Solicitation is any form of requesting money, support or participation for products, groups, organizations or causes which are unrelated to the company (e.g. religious proselytism, asking for petition signatures.) Distribution means disseminating literature or material for commercial or political purposes.

We don't allow solicitation and distribution by non-associates in the workplace. As an associate, you may solicit from your colleagues only when you want to:

- Ask colleagues to help organize events for another associate (e.g., adoption/birth of a child, promotion, retiring).

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- Seek support for a cause, charity or fundraising event sponsored, funded, organized, or authorized by the company.
- Invite colleagues to associate activities for an authorized non-business purpose (e.g., recreation, volunteering.)

In all cases, we ask that you do not disturb or distract colleagues from their work.

## Compensation & Development

In this section, we outline the guidelines for compensating associates according to their employment status. We also describe the performance management and associate development policies.

### Compensation Status

Department of Labor & Industrial Relation.

General for further details.

There are two types of associates under FLSA guidelines:

- Non-exempt associates, who are covered by the FLSA's minimum wage and overtime provisions.
- Exempt associates, who aren't covered by the FLSA because they meet three exemption criteria: (a) they are paid at least \$23,600 per year (\$455 per week), (b) they are paid on a salary basis, and (c) they perform exempt job duties ("executive," "professional" and "administrative.") Most associates must meet all three criteria to be exempt.

If you are unsure as to whether you should be exempt or not, please ask your manager to clarify your status.

The FLSA excludes some types of jobs (e.g. railroad workers, truck drivers) because they are covered by other federal laws. Some other workers, like outside salespeople, are excluded. Feel free to ask your manager for clarifications any time.

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**Overtime**

Occasionally, we may need you to work more than your regular working hours. The US Fair Labor Standards Act (FLSA) states unless exempt, employees must receive overtime (OT) pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay.

It is a supervisory responsibility to justify and reduce costs everywhere possible. Therefore, it is at the supervisor's discretion to offer the opportunity for an associate to work for overtime pay. The supervisor should be managing the workload across the team members to avoid burnout.

No overtime is automatically authorized. Any requested overtime is required to get written prior approval with both the requesting department manager and senior management signatures. Any department manager submitting a timesheet with OT on it will need to provide the admin office team with the signed authorized OT letter.

If you are an exempt associate, you are not entitled to overtime pay by federal law. If an exempt associate must work overtime, we will set a cap for overtime hours at 10 hours per week to prevent overworking and burnout.

If you are a non-exempt associate, you are entitled to overtime pay of one and a half times your wage. Please record your overtime hours accurately, so we can calculate your pay correctly. We also ask you to work overtime only after its authorized by your supervisor to make the record-keeping easier.

Am I an exempt employee? In summary, to be an exempt employee must (a) be paid at least \$23,600 per year, and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor).

**Payroll**

For hourly and salary associates, wages are paid biweekly by direct deposit. Please notify your manager if your banking information has changed.

**Performance Management**

**We have built the performance management practices to:**

- Ensure you understand your job responsibilities and have specific goals to meet.
- Provide you with actionable and timely feedback on your work.

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- Invest in development opportunities that help you grow professionally.
  - Recognize and reward your work in financial or non-financial ways (e.g. associate awards.)

**To meet these objectives, we have:**

- Established quarterly performance reviews. During these reviews, your manager will fill out your performance report and arrange a one-on-one meeting with you to discuss it. Through these discussions, managers aim to recognize associates who are good at their jobs, identify areas of improvement and talk about career moves. Pay increases or bonuses are not guaranteed. But we encourage managers to recommend rewards for their team members when they deserve them. There won't be any forced ranking or other comparison between associates, as the goal is to help all associates improve and develop their careers.
- All managers have been instructed to meet with their team members once per month to provide feedback and talk about their work and motivations. These usually are informal and unscheduled. This way, you can receive feedback in a timely manner and avoid surprises during your quarterly performance preview. If an associate feels that they need feedback they should ask their manager for additional feedback.

**How we expect managers to lead associates**

If you manage a team, you are responsible for your team members' performance. To conduct effective regular meetings and performance evaluations, we expect you to:

- **Set clear objectives.** Your team members should know what you expect of them. When you first hire someone to your team, ensure they understand their job duties. Set



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specific goals for each team member (and team-wide if applicable.) Revisit those goals during quarterly performance reviews.

- **Provide useful feedback.** During scheduled meetings with your team members, give them both guidance and praise, as appropriate. Be fair and specific to help them understand and implement your feedback.
- **Keep your team members involved.** There should be two-way communication between you and your team. Make your expectations clear, but always take your team members' motivations and aspirations into account. Discuss training and development opportunities that may interest your team members.
- **Keep detailed online notes with important incidents about each one of your team members.** These notes help you evaluate your team, but may also prove useful when rewarding, promoting, or terminating your team members.

## Associate Training and Development

We owe the success to the associate's. To show the gratitude, we want to invest in the associate's professional development. We want associates to feel confident about improving their efficiency and productivity. We also want to help the associates achieve personal growth and success.

We will match up to \$500 annually for each associate to spend on educational activities or material. Talk with your manager about this as the educational activity or material must be beneficial to your position and/or development plan. E.g., if you are a quarry associate it would not be beneficial for your position to be requesting history or art classes.

**Apart from online courses, we offer these training opportunities:**

- Formal training sessions

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- Associate coaching and mentoring.
- Seats at industry conferences.
- On-the-job training
- Job shadowing
- Job rotation

Development is a collective process. Team members and managers should regularly discuss learning needs and opportunities. And it is your managers responsibility to facilitate any development activities and processes.

Required Training for certain roles:

[MSHA CFR 30 Part 48\(b\) Training and Retraining of Miners](#)

## Benefits And Perks

In this section, we describe what we offer to the associates. We provide information on the health insurance plans and benefits like work from home options and company issued equipment.

## Retirement

The company wants to help you invest in your future as you grow with the company. You can join the American Tripoli 401(k) plan once you work 90 days during a 12 month period with the company. Additionally, the company offers employer matching on your 401(k) contributions up to 5%. The company will make a matching contribution in an amount equal to a percentage of your salary deferrals, the specified matching percentage for the corresponding level of your salary deferrals as shown in the following table. However, any salary deferrals that are "catch-up contributions" will not be matched. Please speak with your manager about enrolling in the 401(k) plan or scheduling time with our plan administrator to discuss how much to contribute or how to invest.



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Salary Deferral Tier	Match
First 4	
Next 2	

**Associate Health**

American Tripoli offers medical and dental insurance. Eligible employees may participate in either plan or both plans subject to all terms and conditions of the agreement between American Tripoli and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the plan(s) may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

**Dental Plan – Mutual of Omaha****Medical Plan – Anthem**

American Tripoli currently offers the following insurance premium coverage. This is for the total premiums, not for each insurance premium. For additional questions about the insurance package, talk with your manager.

Contribution	Single Coverage
Employer Premium Contribution	83%
Employee Premium	17%

You must submit your insurance enrollment form(s) for before your 90th day of employment with American Tripoli to join the insurance plans. Once you have reached your 90th day, your insurance should become effective on that date, unless notified otherwise. Failure to submit the appropriate

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**Shipping/Receiving Address:**

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forms before your 90th day will require you to wait until the open enrollment period to enroll on the insurance plans.

If you need health insurance before your 90th day or need it before the open enrollment period, please contact Natalie Miller, [Natalie.Miller@HealthMarkets.com](mailto:Natalie.Miller@HealthMarkets.com), (816) 868-6350. She will be able to discuss individual plan options available to you.

American Tripoli will annually review employee/employer contributions against the Kaiser Family Foundation Employer Health Benefits Report<sup>1</sup> for the physical year to provide employees the best benefits.

## **Workers' Compensation**

We strive to keep the workplace safe, but accidents may happen occasionally. Associates who are injured at work can receive wage replacement, medical care, and rehabilitation benefits according to workers' compensation laws, when appropriate. Please inform your manager of your injury as soon as possible. Ask your manager for forms that you need to file a claim or contact your state agency for workers' compensation.

The company has a workers' compensation policy according to guidelines of the state of Missouri.

## **Work From Home**

If your position doesn't require you to be present at the premises, you can occasionally work from home (WFH). We normally allow one day per week, with manager approval. If you need to telecommute for more days per week, talk to your manager.

Please inform your manager that you want to work from home at least one week in advance. You can also set a recurring WFH day per week. If there's a rare emergency, you may work from home without having received prior approval but call or email your manager as soon as possible.

When you are working from home, please use an internet connection and devices that are fast and secure. Choose a place without loud noises or distractions. And check in with your manager frequently to make collaboration easier.

If there is inclement weather (e.g., a blizzard) please check your Teams account to see if the office is officially closed. If you judge that your commute during inclement weather is dangerous, let your manager know. We will not force you to come to work if your safety is at stake or if there is an official travel warning.

## **Remote working**

Remote working refers to working from a non-office location on a temporary or permanent basis.

If you're an office-based associate, you may work remotely for a maximum of two consecutive weeks per year. You may arrange this if you are a new parent or suffer from a short-term disability. If you have another reason, talk to your manager. Submit your remote working requests through your

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manager at least one week in advance.

If you're an office-based associate, you may work remotely for a maximum of two consecutive weeks per year. You may arrange this if you are a new parent or suffer from a short-term disability. If you have another reason, talk to your manager. Submit your remote working requests through your manager at least one week in advance.

If you work remotely permanently, we ask that you adhere to the security, confidentiality, and equal opportunity policies just like your office-based colleagues.

### **Associate Expenses**

There are some expenses that we will pay directly on your behalf (e.g., hotel rooms for work-related travel.) But we ask you to keep track and report on those reimbursable expenses that you pay yourself. We reimburse associate expenses that are related to:

- Business travel
- Relocation
- Education and training
- Upon approval, outings with business partners or colleagues
- We use the General Services Administration (GSA) per diem rates, excluding incidentals.

To review rates: <https://www.gsa.gov/travel/plan-book/per-diem-rates>

Not all travel expenses are reimbursable. For example, we will pay for your transportation to an airport for work-related travel, but not to a museum for a personal visit. Before traveling for business, ask your manager to clarify which expenses are reimbursable within your trip.

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Please keep an online copy of receipts for all reimbursable expenses. You can submit them to your manager within 5 business days after the date of each expense. If your manager approves your expenses, you will receive your reimbursement within two pay periods by check.

Remote working refers to working from a non-office location on a temporary or permanent basis.

If you're an office-based associate, you may work remotely for a maximum of two consecutive weeks per year. You may arrange this if you are a new parent or suffer from a short-term disability. If you have another reason, talk to your manager. Submit your remote working requests through your manager at least one week in advance.

If you work remotely permanently, we ask that you adhere to the security, confidentiality, and equal opportunity policies just like your office-based colleagues.

## **Company Car**

**You may drive a company car if you:**

- Need it as an indispensable part of your job (e.g., truck drivers and delivery drivers).
- Receive it as a benefit attached to your position.

Either way, your car belongs to the company. You may use your company vehicle for personal reasons as the policy permits. You will get reimbursed only for approved, business-related expenses.

To get a company car, you should have a valid driver's license and a clean driving record for at least two years. Drive safe and sober and respect traffic laws and fellow motorists. You should also check your car regularly to ensure gas, tire pressure and all car fluids are at appropriate levels.

**We expect you to avoid:**

- Smoking in a company vehicle.
- Leasing, selling or lending a company car.

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- Using a company car to teach someone how to drive.
  - Leaving your company car unlocked, unattended or parked in dangerous areas.
  - Allowing unauthorized people to drive a company car unless an emergency mandates it.

On the part, we will ensure that the cars are safe and in good condition, as well as appropriately insured.

**Accidents**

If you are involved in an accident with a company car, contact your manager immediately, so we can get in touch with the insurance provider. You shouldn't accept responsibility or guarantee payment to another person.

Follow this policy's guidelines to avoid disciplinary action. For minor offenses, like allowing unauthorized people to drive a company car, we will reprimand you or reclaim your car. But for more serious offenses, like causing an accident while intoxicated, we may terminate you.

**Parking**

We will prioritize parking spaces on a first-come, first-served basis. If you want to receive a reserved parking spot, file your request with your manager to start the approval process.

We expect you to keep the parking lot clean and not park in assigned spaces. Please behave responsibly to avoid causing damage, injury, or loss of property.

We will not assume any liability for theft, vandalism, fire, or damage regarding an associate's vehicle in the parking lot.

**Company-Issued Equipment**

As an associate, you may receive a company cell phone, a laptop, or other device. Unless otherwise mentioned in your contract, any equipment we offer belongs to the company and you may not sell it or give it away. You are also responsible for keeping the equipment safe and in as good condition as possible. If your equipment breaks or malfunctions, let your manager know so they can arrange to get it repaired.

If you are part of the corporate cell phone plan, please use your phone within the plan's restraints. You may have to pay any extra charges yourself.

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**Theft and damage of company equipment**

The equipment is insured for theft and damage. We ask you to inform us within 24 hours if your equipment is stolen or damaged. We might be able to trace stolen laptops and cell phones. Please also file a theft statement (affidavit) with the police and submit a copy to us.

**Security of company issued devices**

We advise you to keep your company-issued computer, tablet, and cell phone secure. **You can do this if you:**

- Keep all devices password protected.
- Ensure you do not leave your devices unattended.
- Install security updates for browsers and other systems as soon as updates are available.
- Log into company accounts and systems through secure and private networks only.
- Follow all instructions for disk encryption, anti-malware protection and password management that you received along with your equipment.

**Position-Related Clothing Allowance**

If an associate is a quarry or mill associate, they are required to wear steel toe boots while working. We want to ensure they have the appropriate high quality protective footwear for their position. Per OSHA rule 1917.96 - Payment for protective equipment, An employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

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With this regulation noted, the company will reimburse the associate for one pair of boots up to \$200.00 annually. The only brand of reimbursed steel-toe boots is Red Wings, no exceptions unless prescribed by a doctor and get this prescription gets preapproved by their manager.

Once the associate signs the steel-toe boot reimbursement agreement they will be required to not wear these boots home or leave the worksite with them. If the associate decides to wear the boots home, they are forfeiting the reimbursement agreement and will not be allowed to participate in the reimbursement program at any future date. This is an annual agreement. The agreement states the associate is responsible for the care and security of his/her work boots. Lockable storage lockers are provided in the Mill and the Maintenance shop; the associate will need to provide the lock.

After your 90-day probationary period, you will receive a digital voucher to present at the Red Wing store. If the associate resigns or is terminated prior to the annual agreement completion date the reimbursement will be prorated over the 12 month period and the remaining balance will be withheld from the associates last paycheck. If you need to purchase boots before your 90th day and wish to be reimbursed, submit your Red Wing boot purchase receipt to the Safety Manager. After your 90th day, the Safety Manager will submit your receipt to the finance department for reimbursement on your following paycheck for up to the reimbursable limit.

## Time

### Working Hours

The company operates between 8:00 a.m to 4:30 p.m on Monday through Friday. We try our best to not work evenings or weekends.

Some departments may work after hours(e.g., customer support, shipping, marketing). If you work in these departments, you will follow a shift schedule as needed.

#### Time Clock for Hourly Employees

Hourly employee are required to clock in and clock out for their shifts and lunch break. Here are the instructions listed in the picture below.






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## Clock in

1. In Shifts, tap  **Time clock**, and then select the shift you want to clock in for.
2. Press and hold down  under  **Shift**, and you'll be clocked in.



**Note:** GPS locations are approximate. Occasionally you may be inaccurately marked as off location. Notify your manager if this happens.

## Take a break

- Press and hold down  under  **Break**, and you'll be clocked out to start your break.


From there, you can end your break by pressing and holding down  under  **Break**.

## Clock out

- Press and hold down  under  **Shift** when you're ready to clock out.

## Time sheet

You can view previous time clock activity or correct your information using the time sheet.

- In Shifts, select **Time clock**, tap  at the upper right corner to open your time sheet.

From here, you can view your time sheet, add missing clock-in and clock-out information using the + button at the top right corner, and edit or confirm existing time clock activity from up to a month earlier.

**Note:** Any changes you make using Time Sheet will be recorded on your manager's exported time clock report.

## Paid Time Off (PTO)



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PTO means just that, paid/personal time off. PTO accrual begins on your 90th day of employment, after the probationary period. Your PTO will increase on your work anniversary based on the corresponding years described below.

Years of Service	0-3 *	4-10	11-20
Hours Accumulated Per Pay Period	3.08	4.62	6.15
Maximum Hours Allowed	80	120	160
Maximum Days Allowed	10	15	20

\*PTO accrual begins on 90th day of employment, after probationary period.

We highly encourage every associate to use earned PTO as they see fit throughout the year. PTO is accrued per pay period. Associates and their manager are responsible to ensure they successfully utilize the associates' PTO throughout the year and not all at once or all at the end of the year. Associates cannot transfer any remaining PTO to the next year. There is no cash out of unused PTO. It is a use-or-lose policy.

If an associate leaves the company, any unused accrued PTO will be pro-rated and the company may compensate accrued PTO to associates who were not terminated for cause. Missouri state law does not require payment of earned PTO time at the time of termination. It is at the company's discretion to provide vacation pay, holiday pay, or severance pay benefits.

We advise every associate to properly utilize their earned PTO. Everyone will abide by the Handbook PTO allotment.

To request time off, please submit a request to your manager via the Shifts app in your Microsoft Teams mobile or desktop app. [Click here for the instructions](#)

**Working Remotely vs PTO**

Some positions have the capability to work remotely. Remote work is approved at the senior managers' discretion.

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A couple of questions the senior manager will need to be answered first would be:

When and how many business days are you planning on being away from the office?

What is the Operations/Mill/Quarry department schedule for that timeframe?

Are all issues and processes foreseeably covered?

Are you going to be "remote working" or taking PTO?

## Holidays

**The company observes the following holidays:**

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day before or Day after Thanksgiving depending on where the long weekend falls
- Christmas Eve
- Christmas Day

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If you want to observe a religious holiday that isn't included in the list, we may allow you to take unpaid time off for that day. Or you may use your PTO. Coordinate the approval through your manager.

**Holiday pay**

- Exempt associates are entitled to their normal compensation without any deductions.
- Permanent, non-exempt associates may receive their regular hour rate for their normal workday hours as a benefit after they have worked with us for more than 90 days.

**Working on a holiday**

These holidays are considered "off-days" for most associates. [Managers] If you need a team member to work on a holiday, inform them at least three days in advance.

Holiday pay rate is 1.5 times regular hour rate for hourly associates. We will not count hours you worked on a holiday to decide whether you are entitled to overtime pay.

**Bereavement Leave**

Losing a loved one is traumatizing. If this happens to you while you work with us, we want to support you and give you time to cope and mourn.

**For this reason, we offer three days of paid bereavement leave. You may take your bereavement leave on consecutive days to:**

- Arrange a funeral or memorial service.
- Attend a funeral or memorial service.
- Resolve matters of inheritance.

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- 
- Fulfill other family obligations.
  
  - Mourn

If you must travel long-distance for a funeral or service, you can take two additional unpaid days off. If you require more time, please use your PTO.

## **Jury Duty and Voting**

As an exempt associate, if you are called for Jury Duty, you can take one day off without deduction from your salary. Anything beyond one day should be through PTO or unpaid leave.

As an hourly associate, at the discretion of your manager, if you are called for Jury Duty, if Jury duty is less than 4 hours and you were able to put in 4 hours of work that day, you will be paid for the full 8-hour day. If you are not able to put in 4 hours of work that day, due to Jury duty and all full days missed should be considered unpaid leave or at managers discretion, use of PTO.

To keep good records, all associates need to provide the company a copy of your summons for jury duty and a document that proves you served.

One election day, Managers will try to schedule the workload for the day to end one hour early so everyone has the opportunity to vote. If you need to travel a distance greater than one hour to vote, request to use your PTO.

Missouri Juror Info: [https:// www.courts.mo.gov/ page.jsp?id=103118](https://www.courts.mo.gov/page.jsp?id=103118)

## **Parental Leave**

### **Paternity and maternity leave**

The company does not offer paid maternity and paternity leave. We ask you to be proactive in your use of PTO. If timing of end of year PTO carry over becomes an issue, please discuss with your manager.

If you are about to be a new mother or father (either through childbirth or adoption), talk with your manager to arrange your leave. Please give at least three months' notice before your leave begins.

If you suffer complications during childbirth or have other issues, you can ask for an unpaid leave extension of up to two months. Contact your manager as soon as possible to arrange this.

## **Leaving The Company**

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In this section, we describe the procedures regarding resignation and termination of the associates. We also refer to the progressive discipline process that may sometimes result in termination.

We remind you that in the U.S. employment is “at-will.” This means that you or the company may terminate the employment relationship at any time and for any non-discriminatory reason.

## Progressive Discipline

The progressive discipline process has three steps of increasing severity. **These steps are:**

Here we outline steps we will take to address associate misconduct. We want to give associates a chance to correct their behavior when possible and assist them in doing so. We also want to ensure that we thoroughly investigate and handle serious offenses.

- i. Verbal warning
- ii. Formal meeting with supervisor and written reprimand
- iii. Termination

If you manage associates, inform them when you launch a progressive discipline process. Be direct that you are giving them a verbal warning reprimand. Pointing out a performance issue is not necessarily a verbal warning and may be part of your regular feedback. If you judge that progressive discipline is appropriate, let your team member know and ask your manager to help you explain the full procedure.

Managers may skip or repeat steps at their discretion. The company may treat circumstances differently from that described in this policy. But we are always obliged to act fairly and lawfully and document every stage of the progressive discipline process.

Keep in mind that the company isn’t obliged to follow the steps of the progressive discipline process. As you are employed “at-will” in the U.S, we may terminate you directly without launching a progressive discipline process. For serious offenses (e.g., sexual harassment), we may terminate you without warning.

## Resignation

You resign when you voluntarily inform your manager that you will stop working for the company. We also consider you resigned if you don’t come to work for two consecutive days without notice.

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You are not obliged to give us advance notice before resigning. But, for efficiency's sake, and to make sure the workplace runs smoothly, we ask that you give at least two weeks' notice, if possible. If you hold a highly specialized or managerial position, we ask that you give us at least a month's notice, when possible.

We accept verbal resignations, but we prefer that you submit a written and signed notice of resignation for the HR records. We will reply with an acceptance of resignation letter within two days. Whether you want to announce your resignation to your team is up to you, but we encourage you to be open. Doing so helps squelch the rumor mill.

**Tuition or relocation reimbursement**

If you have relocated or studied at the company's expense, you are bound by your contract to remain with us for at least two years or year for year of expense. If you resign before that period, you may have to reimburse us for all these expenses.

**Forced resignation**

You can resign anytime at your own free will and nobody should force you into resignation. Forcing someone into resigning (directly or indirectly) is constructive dismissal and we won't tolerate it. Specifically, we prohibit associates from:

- Creating a hostile or unpleasant environment.
- Demanding or coaxing an associate to resign.
- Victimizing, harassing, or retaliating against an associate.
- Forcing an associate to resign by taking unofficial adverse actions (e.g. demotions, increased workload).

**Termination**

Terminating an associate is always unpleasant but sometimes necessary. If that happens, we want to ensure we act lawfully and respectfully.

**We may terminate an associate either for cause or without cause**

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- For cause termination is justified when an associate breach their contract, engages in illegal activities (e.g., embezzlement), disrupts the workplace (e.g. harasses colleagues), performs below acceptable standards or causes damage or financial loss to the company.
- Without cause termination refers to redundancies or layoffs that may be necessary if we cease some of the operations or re-assign job duties within teams. We will follow applicable laws regarding notice and payouts.

We will offer severance pay to eligible associates. We may also help associates who were terminated without cause to find work elsewhere, if possible.

We may also compensate accrued vacation and sick leave upon termination, depending on local law. Whenever local law doesn't have relevant stipulations, we will pay accrued leave only to those who weren't terminated for cause.

If you manage team members, avoid wrongful dismissal. When you terminate an associate for cause, we expect you to be certain you made the right choice and keep accurate performance and/or disciplinary records to support your decision.

## References

When we terminate associates, we may provide references for those who leave in good standing. This means that associates shouldn't have been terminated for cause. If you are laid off, you may receive references. Please ask your manager.

If you resign, you may ask for references and your manager have a right to oblige or refuse.

## Resources

Managing your 401(k): <https://www.finra.org/investors/learn-to-invest/types-investments/retirement/401k-investing/managing-your-401k>

Dept. of Labor – Mine Safety & Health Administration: <https://www.msha.gov/>

Missouri Labor Laws: <https://labor.mo.gov/>



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IRS W4 info: <https://www.irs.gov/forms-pubs/about-form-w-4>

US Healthcare.gov: <https://www.healthcare.gov/>

1Kaiser Family Foundation 2021 Employer Health Benefits Survey, <https://www.kff.org/health-costs/report/2021-employer-health-benefits-survey/>

## Policy Revision

We will always strive for fairness and equal opportunity and penalize offensive and illegal behaviors. But, as laws and the environment change, we may revise and modify some of the policies.

We have established an annual revision of the handbook to bring it up to date with legislation and employment trends. We also ask you to notify your manager if you recognize any inconsistencies or mistakes. And, if you have any ideas about how to improve the workplace, we are happy to hear them. Please relay these ideas through your manager.



Certificate of Training

U.S. Department of Labor  
Mine Safety and Health Administration



Approved OMB Number 1219-0009, Expires May 31, 2024.  
This certificate is required under Public Law 91-173 as amended by Public Law 95-164.  
Failure to comply may result in penalties and other sanctions as provided by sections 108 and 110, Public Law 91-173 as amended by Public Law 95-164.

➔ Issue Certificate Immediately Upon Completion of Training

Serial Number (for operator's use)

1. Print Full Name of Person Trained (first, middle, last)

Rob BAUMANN

2. Check Type of Approved Training Received:

☐ Annual Refresher

☐ Experienced Miner

☐ Hazard Training

☐ New Task (specify below)

☒ New Miner

☐ Other (specify)

Date	Task	Initials		Date	Task	Initials	
		Instr	Studt			Instr	Studt

3. Check Type of Operation and Related Industry:

A. ☒ Surface

☐ Construction

☐ Underground

☐ Shaft & Slope

B. ☐ Coal

☐ Metal

☒ Nonmetal

4. Date Training Requirements Completed

☐ Check if not completed and go to item 5, below.

➔ If completed, go to item 6, below.

5. Check Subjects Completed (use only for partially completed training):

☒ Introduction to Work Environment

☐ Roof/Ground Control & Ventilation

☒ Health

☒ Hazard Recognition

☐ Mine Map; Escapeways; Emergency Evacuation; Barricading

☒ Electrical Hazards

☒ Emergency Medical Procedures

☐ Cleanup; Rock Dusting

☒ First Aid

☒ H&S Aspects of Tasks Assigned

☐ Mandatory Health & Safety Standards

☐ Mine Gases

☒ Statutory Rights of Miners

☐ Authority & Responsibility of Supervisors & Miners' Representatives

☐ Explosives

☒ Self-Rescue & Respiratory Devices

☐ Prevention of Accidents

☒ Transport & Communication Systems

☐ Other (specify)

6. False certification is punishable under section 110 (a) and (f) of the Federal Mine Safety & Health Act (P. L. 91-173 as amended by P. L. 95-164).

I certify that the above training has been completed (signature of person responsible for training)  
[Signature]

7. Mine Name, ID, & Location of Training (if institution, give name & address)

AMERICAN TRIPOLI 222 ONEIDA  
SENECA MO 64865  
[Signature]

8. Date  
6/7/05/2022

I verify that I have completed the above training (signature of person trained)  
[Signature]



Name	Inspection Date	Time	Examine the breakroom, note any safety issues.	Examine the Production Floor east storage area. Note any safety issues.	Examine the loading dock. Note any safety issues.
Bonnie Bainter	6/21/2022	8:00	Floor 1 could use some attention around the tube mill, along with floor 2 around bagger west side.	Yes	
Bonnie Bainter	6/22/2022	8:30 am	Area around tube mill needs to be cleaned up	Yes	
Bonnie Bainter	6/23/2022	8:00	Better	Yes	
Bonnie Bainter	6/24/2022	8:30 am	Mill is down for housekeeping and maintenance	Mill is down	
Bonnie Bainter	6/27/2022	8:00	1st floor needs attention around the tube mill. 2nd floor needs attention around the west stairway.	Yes	
Bonnie Bainter	6/28/2022	8:00	Okay	Yes	
Bonnie Bainter	6/29/2022	8:00	Around Tube mill a little attention please	Yes	
Bonnie Bainter	6/30/2022	08:00	1-3 & 4th look good 2 could use some help.	Yes	
Bonnie Bainter	7/5/2022	8:00	okay	Mill is down	
Bonnie Bainter	7/14/2022	8:00	HOLIDAY	HOLIDAY	
Bonnie Bainter	7/15/2022	8:00	Working on it, mill is down	Good	
Bonnie Bainter	7/16/2022	8:00	Okay	Good	
Bonnie Bainter	7/17/2022	8:00	1st floor needs a little attention	Good	
Bonnie Bainter	7/18/2022	8:00	Okay	Good	
Bonnie Bainter	7/18/2022	8:00	2nd floor around the bagger please address	Good	
Bonnie Bainter	7/11/2022	08:00	Mill is down so housekeeping is priority today	yes	
Bonnie Bainter	7/12/2022	8:00	Looks good	Yes	
Bonnie Bainter	7/13/2022	8:00	Looks really good	Yes	
Bonnie Bainter	7/14/2022	8:00	Looks good	Yes	
Bonnie Bainter	7/15/2022	8:00	Looks good	Yes	
Bonnie Bainter	7/18/2022	8:00	Mill is down, although mill looks good	Mill is down	
Bonnie Bainter	7/19/2022	7:30	Could use a little attention around the tube mill. The rest looks good.	Yes	
Bonnie Bainter	7/20/2022	8:00	Okay	Mill is down	
Bonnie Bainter	7/21/2022	8:00	Okay	Okay	
Bonnie Bainter	7/23/2022	10:30	Looks Good	Good	
Bonnie Bainter	7/25/2022	08:00	Looks Good	Good	
Bonnie Bainter	7/26/2022	8:00	Looks Good	Good	
Bonnie Bainter	7/27/2022	8:00	2nd floor could use a little attention	Good	
Bonnie Bainter	7/28/2022	8:00	Mill is down	Mill is down	
Bonnie Bainter	7/29/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/1/2022	9:00	Okay	Mill is down for maintenance	
Bonnie Bainter	8/4/2022	08:30	Mill is down	Mill is down	
Bonnie Bainter	8/5/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/12/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/5/2022	8:00	Mill is down	Mill is down	
Bonnie Bainter	8/8/2022	8:30 am	Mill is down	Mill is down	
Bonnie Bainter	8/9/2022	8:30 am	Good	Good	
Bonnie Bainter	8/10/2022	8:30 am	Good	Good	
Bonnie Bainter	8/11/2022	8:30 am	Good	Good	
Bonnie Bainter	8/12/2022	8:00	Could use a little attention	Good	
Bonnie Bainter	8/15/2022	8:00	Some attention needed around the east door	Good	
Bonnie Bainter	8/16/2022	08:00	Good	Good	
Bonnie Bainter	8/17/2022	07:30	A little attention on the 1st floor please	Good	
Bonnie Bainter	8/18/2022	8:30 am	In the process of cleaning	Good	
Bonnie Bainter	8/19/2022	07:00	Need a little attention by the cyclones	Good	
Bonnie Bainter	8/22/2022	8:30 am	Good	Good	
Bonnie Bainter	8/23/2022	8:00	Needs some attention on 1st floor	Good	
Bonnie Bainter	8/26/2022	8:00	Good	Good	
Bonnie Bainter	8/22/2022	8:00	Good	Good	
Bonnie Bainter	8/23/2022	8:00	Under cyclone could use some attention	Good	
Bonnie Bainter	8/24/2022	8:00	Both 1st and 2nd floor need help	Good	
Jordan Tidback	8/26/2022	1:30pm	test	test	
Bonnie Bainter	8/28/2022	07:00	Good	Put guard back on tube mill motor before starting it.	
Bonnie Bainter	8/30/2022	7:00	Good	Mill is down	
John Spears	11/7/2022	09:45	Splashed product needs swept up. Crew working on that. First and third floor	Flange bearing on outside scroll needs cover reinstalled. Maintenance crew advised.	
John Spears	11/8/2022	09:30	Material around crusher elevator. Crew placed excess back into holding tank.	Fabricating a couple of new guards for MSHA.	
John Spears	11/18/2022	10:32 am	In process of gathering useful material.	All in place.	
Rob Baumann	11/21/2022	10:00 AM	Satisfactory	All in place	
Rob Baumann	11/22/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	11/23/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	11/28/2022	8:00 AM	Satisfactory	In place	
Rob Baumann	11/29/2022	8:00 AM	Satisfactory	In place	
Rob Baumann	11/30/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/1/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/2/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/5/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/6/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/7/2022	8:30AM	Satisfactory	All in place	
Rob Baumann	12/8/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/9/2022	8:30 AM	Satisfactory	All in place	
Rob Baumann	12/12/2022	8:15 AM	Satisfactory	All in place	
Rob Baumann	12/12/2022	8:00 am	Satisfactory	All in place	
Rob Baumann	12/13/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/14/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/15/2022	7:30 AM	Satisfactory	All in place	
Rob Baumann	12/16/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/19/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/20/2022	7:30 AM	Satisfactory	All in place	
Rob Baumann	12/21/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/22/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/26/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/27/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/28/2022	8:00 AM	Satisfactory	All in place	
Rob Baumann	12/30/2022	8:00	satisfactory	All in place	
Rob Baumann	1/2/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/3/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/4/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/16/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/17/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/18/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/19/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/23/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	1/24/2023	8:00 AM	Satisfactory	all in place	
Rob Baumann	2/7/2023	8:00 AM	Satisfactory	Covers off breaker boxes open electrical panels maint cotcted	
Rob Baumann	2/8/2023	8:00 AM	Satisfactory	Guards in place covers need put on breaker box	
Rob Baumann	2/9/2023	8:00 AM	Satisfactory	All in place	
Rob Baumann	2/10/2023	8:00 AM	Satisfactory	All in place but have an open electrical panel that needs fixed	
Rob Baumann	2/13/2023	8:00 AM	Sastisfactory	All in place	
Ronnell Fondren	3/3/2023	0940	No Safety hazard in breakroom	Hole in floor 3/4 steel plate on top of the hole	No safety hazards
Jim Hoover	3/7/2023	10:27AM	no issues JH	no issue JH	
RJ Williams	3/7/2023	8:45	All Good	All Good	All Good
Ronnell Fondren	3/6/2023	0915	Good	Hole in the floor by break room	Concrete has cracks could be a potential trip hazard
RJ Williams	3/7/2023	8:08 AM	All Good	All Good	All Good
Ronnell Fondren	3/7/2023	0832	Fair condition	Crack in the floor and hole with plate covering it	Crack in the floor
Patrick Lewis	3/7/2023	8:35 AM	Shifty walls. Other than that in order.	As usual only out of the norm is the concrete foundation deterioration and the hole under the steel plate	Separation/ deterioration of concrete foundation
Ronnell Fondren	3/8/2023	0831	Fair condition	Fair condition	Fair condition
RJ Williams	3/8/2023	9:00	Good	Good	Good
Patrick Lewis	3/8/2023	10:10 AM	Walls need repaired	Concrete foundation issues	Concrete separation
Ronnell Fondren	3/9/2023	0804	Clean	Fair condition	Fair condition
RJ Williams	3/9/2023	8:45	Good	Good	Good
Patrick Lewis	3/9/2023	8:57 AM	Same as aforementioned previously	Same as the previous days inspection	Same as previous days inspection
Jim Hoover	3/9/2023	8:00am	Good	Good	Good
RJ Williams	3/10/2023	8:15	Good	Good	Good
Ronnell Fondren	3/10/2023	0815	Clean	Fair condition	Fair condition
Patrick Lewis	3/10/2023	8:49 AM	No concerns.	As previously stated.	Concrete deterioration
Jim Hoover	3/10/2023	8:00am	Good	Good	Good
RJ Williams	3/13/2023	8:37	Good	Good	Good
Ronnell Fondren	3/13/2023	0841	Clean	Fair condition	Fair condition
Ronnell Fondren	3/14/2023	0801	Clean	Fair condition	Fair condition
Ronnell Fondren	3/15/2023	0752	Clean	Fair condition	Fair condition
RJ Williams	3/15/2023	8:54	Good	Good	Good
Patrick Lewis	3/15/2023	2:33 PM	No issues to report	No concerns to report	Concrete deteriorating
Patrick Lewis	3/16/2023	8:10 AM	No concerns	No concerns	No concern
Ronnell Fondren	3/17/2023	0802	Clean	Fair	Fair
RJ Williams	3/21/2023	8:21	Good	Good	Good
Jim Hoover	3/21/2023	8:30am	Good	Good	Good
Ronnell Fondren	3/22/2023	0807	Clean	Fair	Fair
RJ Williams	3/22/2023	8:19	Good	Good	Good
Patrick Lewis	3/22/2023	8:20 AM	No concerns	No concerns	No concerns
Patrick Lewis	3/23/2023	5:05 PM	No concerns	No concerns	No concerns
Jim Hoover	3/23/2023	8:30 AM	Good	Good	Good
Jim Hoover	3/22/2023	8:30am	Good	Good	Good
Ronnell Fondren	3/24/2023	0828	Clean	Fair	Fair
RJ Williams	3/27/2023	8:00	Good	Good	Good
Ronnell Fondren	3/28/2023	0745	Clean	Fair	Fair
Ronnell Fondren	3/30/2023	0808	Clean	Fair	Fair
RJ Williams	3/30/2023	8:50	Good	Good	Good
Ronnell Fondren	3/31/2023	0742	Clean	Fair	Good
Ronnell Fondren	3/31/2023	0822	Clean	Fair	Fair
RJ Williams	3/31/2023	8:22	Watched videos for severe weather safety	Good	Good
Patrick Lewis	3/31/2023	8:31 AM	No concerns	No concerns	No concerns
RJ Williams	4/4/2023	8:07	Good	Good	Good
RJ Williams	4/5/2023	8:55	Good	Good	Good
Ronnell Fondren	4/6/2023	0800	Dirty	Fair	Good
RJ Williams	4/6/2023	8:30	Good	Good	Good
Patrick Lewis	4/6/2023	9:54 AM	No concerns	No concerns	No concerns
RJ Williams	4/7/2023	8:40	Good	Good	Good
Patrick Lewis	4/10/2023	8:38 AM	No concerns	No concerns	No concerns
RJ Williams	4/11/2023	8:11	Good	Good	Good

Exhibit 17





Start time	Name	Turn of the Production Floor Lighting. Note any safety issues.	Examine the Breakroom. Note any safety issues.
3/3/23 9:54:01	Rob Baumann	All in working order	Satisfactory
3/6/23 8:16:40	Rob Baumann	Good	Good
3/7/23 8:10:55	Rob Baumann	Good	Good
3/8/23 8:35:37	Rob Baumann	Good	Good
3/8/23 9:59:35	RJ Williams	Good	Good
3/9/23 8:12:08	Rob Baumann	Good	Good
3/10/23 8:16:16	RJ Williams	Good	Good
3/10/23 8:15:39	Rob Baumann	Good	Good
3/13/23 9:12:34	Rob Baumann	Good	Good
3/15/23 8:55:46	RJ Williams	Good	Good
3/15/23 9:01:30	Rob Baumann	Good ,watched lockout msha video	Good
3/16/23 8:31:39	Rob Baumann	Good	Good
3/17/23 8:46:39	Rob Baumann	Good	Good
3/20/23 7:52:07	Rob Baumann	Good	Good
3/21/23 8:15:46	Rob Baumann	Good	Good
3/23/23 9:02:40	Rob Baumann	Good	Good
3/23/23 17:04:01	John Spears	None observed.	None observed.
3/24/23 8:33:17	RJ Williams	Good	Good
3/27/23 8:01:58	RJ Williams	Good	Good
3/27/23 11:51:29	John Spears	None observed.	None observed.
3/28/23 13:41:42	Rob Baumann	Good	Good
3/30/23 11:21:56	Rob Baumann	Ok	Ok
3/31/23 8:54:00	Rob Baumann	Ok	Ok
4/3/23 10:07:09	Rob Baumann	Ok	Ok
4/4/23 10:50:33	John Spears	None observed	None observed
4/6/23 7:28:05	Rob Baumann	Ok	Ok
4/7/23 15:13:58	Rob Baumann	Ok	Ok

## Exhibit 17

Exhibit P-43, Page 880

Examine the Control Room. Note any safety issues.	Examine the East Warehouse area. Note any safety issues.	Examine the Palletizer area. Note any safety issues.
Good	Satisfactory	Not in use
Good	Good	Not in use good
Good	Good	Good not in use
Good	Good	Not in use
Good	Good	Good
Good	Good	Not in use
Good	Good	Good
Good	Good	Not in use
Good	Good	Good not in use
Good	Good	Good
Good	Good	Good not in use
Good	Good	Bare electrical wires exposed out of floor area closed off
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	Out of commission. LOTO
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

Examine the Bagger area. Note any safety issues.	Examine the Production hold area. Note any safety issues.	Examine the Bathroom. Note any safety issues.
Not in use	Satisfactory	Satisfactory
Not in use good	Not running good	Good
Locked out roped off for maintenance	Good	Good
Being worked on roped off	Good	Good
Good	Good	Good
Bulk bagger good 100 pound bagger area roped off for repairs	Good	Good
Good	Good	Good & clean
Bulk bag area good packer taped off for repair	Good	Good
Good on bulk roped off on 100 pound packer for repairs	Good	Good
Good	Good	Good
100 pound packer roped off for repairs bulk feeder is good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

## Exhibit 17

Exhibit P-43, Page 882

Examine the West Warehouse area. Note any safety issues.	Examine the Dumpster platform area. Note any safety issues.	Examine the First floor Classifier area. Note any safety issues.
Satisfactory	Dumpster area ok	Satisfactory
Good	Good	Product piled up at bottom of elevator but being worked on and not in use
Good	Good	Flour elevator being worked on it is locked out
Good	Good	Good but finish flour elevator locked out being worked on
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

## Exhibit 17

Exhibit P-43, Page 883



Examine the Oil room area. Note any safety issues.	Examine the Air Compressor area. Note any safety issues.	Examine the Tube Mill area. Note any safety issues.
Good	Panel shut good to go	Satisfactory
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Product in pathway
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

Examine the Elevator area. Note any safety issues.	Examine the Crusher Room area. Note any safety issues.	Examine the Crusher Ramp and Hopper area. Note any safety issues.
Satisfactory	Good not in use	Gate closed
Good	Good not in use	Good
Not in use	Good	Good
Not in use	Good	Good
Good	Good	Good
Not in use	Good	Good
Good	Good	Good
Out of service	Good	Good
Not in use	Good	Good
Good	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Good	Good
Not in use	Not in use today will need cleaned before crushing rock	Good
Not in use	Good	Ramp gate left open creating a danger, closed and locked gate
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Not in use	Good	Good
Not in use	Ok	Ok
Not in use	Ok	Ok
Not in use	Ok	Ok
None observed	None observed	None observed
Not in use	Ok	Ok
Not in use	Ok	Ok

Examine the Dust Collector System area. Note any safety issues.	Examine the Loading dock area. Note any safety issues.	Examine the Warehouse A. Note any safety issues.
Swept and ready	Satisfactory	Good
Working to replace conduit outside not being used	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Ok	Ok
Good	Ok	Ok
Good	Ok	Ok
Good	None observed	None observed
Good	Ok	Ok
Broken conduit outside by lil mac	Ok	Ok

Examine the Warehouse B. Note any safety issues.	Examine the Longterm storage warehouse. Note any safety issues.	Examine the Rail ramp area. Note any safety issues.
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good & secure
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Good	Good	Good
None observed.	None observed.	None observed.
Good	Good	Good
Ok	Ok	Ok
Ok	Ok	Ok
Ok	Ok	Ok
None observed	None observed	None observed
Ok	Ok	Ok
Ok	Ok	Ok

**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Tuesday, September 19, 2023 9:40 PM  
**To:** Bishop, Maryjo - MSHA <Bishop.Maryjo@DOL.GOV>  
**Cc:** Pratt, Shawn - MSHA <Pratt.Shawn@dol.gov>; Joshua Townsend <joshua.townsend@americantripoli.com>; Don Hale <Don.Hale@americantripoli.com>; John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Russell Tidaback <RTidaback@deedyco.com>  
**Subject:** Request for Clarification on Recent MSHA Inspection  
**Importance:** High

**CAUTION: This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.**

Hello Maryjo,

I have included the American Tripoli team in this email, if you would reply all to include them.

I trust this correspondence finds you in good health. I am seeking your guidance regarding a recent inspection conducted by Mr. Pratt and Mr. Pruitt at our mining facility on September 19, 2023, pursuant to complaint ID 2671642 (attached).

The complaint, submitted to MSHA on September 17, 2023, alleged that "miners have to reach inside the electrical box to push the reset button" and that our "plant operator is not task trained."

Notably, this complaint was lodged three days after the termination of a specific employee who would be the only person to have known about any electrical box needing to be opened to push a reset button. But that isn't the problem.

**Exhibit 18**

Exhibit P-43, Page 888

The problem with this complaint is that we had an issue with a very specific circuit breaker earlier today. We have not experienced any issues with the circuit breaker in the past. At approximately 12:30 PM today, Mr. Spears started troubleshooting this specific circuit breaker and the cause for the breaker to trip. The issue was solved, and the team moved on to other issues.

Then, at approximately 2:30 PM, Mr. Pratt and Mr. Pruitt arrived on site, advising Mr. Townsend about Complaint ID 2671642, and while here, they might as well terminate two open citations, 9579847 and 9579095. Both citations were terminated.

Upon reviewing the complaint allegations summary. Allegation #1: if a circuit breaker has a reset button, then yes, the "electrical box" would have to be opened to "push the reset button." So, I immediately think this must be another nuisance complaint from an ex-employee.

Where the entire issue becomes suspicious is upon entering the mill, Mr. Pratt and Mr. Pruitt proceeded directly to the aforementioned circuit breaker we experienced an issue with earlier in the day. This is not a casual walk-by or even a circuit breaker you would know it is precisely there as it "blends in" with the rest of the electrical panel wall.

To go to this specific wall panel, this specific breaker box, and this specific breaker... you would need to be coached just like I was when I was communicating with John regarding which circuit breaker was "tripping" during his maintenance troubleshooting diagnosis.

This sequence of events prompts several questions:

How was the complainant aware of a malfunction with this specific circuit breaker, which had not exhibited any issues before today's start-up procedures?

What led the MSHA inspectors directly to this particular circuit breaker among our facility's numerous other circuit breakers? If the allegation only states about an electrical box... Were they coached along with specific details about what specific circuit breaker would have been sabotaged so they would find something wrong with that specific circuit breaker?

Were we sabotaged the night prior, with the complainant knowing that MSHA would be out to inspect this particular circuit breaker the very next day? This whole complaint inspection looks very suspicious. From a certain point of view, it appears to be intentional harassment and sabotage.

Furthermore, it raises concerns about potential after-hours trespassing by the recently terminated employee, who may be causing disruptions and lodging complaints with MSHA—all to cause even more disruption and financial burden by MSHA inspections on a small struggling company.

As a mine operator, protecting our operations from malicious intent, whether from former employees or others, is crucial. How do we file a complaint against someone knowingly making false statements or representations, e.g., complaints, to MSHA? Is it through the OIG Hotline or something internal to the district? This ex-employee is a miner, and any false statements to MSHA would be a crime. Your team would have to follow the same procedures and investigate this complaint against a miner, correct?

Also, is this when a Written Notice would be given? From your 14SEPT2023 email, "A Written Notice is given during a 103(g) complaint investigation when no violations are found (negative findings)."

Based on conversations today between approximately 2:30 and 4:20 PM, there were no findings on allegation #2, but on allegation #1, Mr. Pruitt inferred such activity despite not witnessing unauthorized individuals resetting the circuit breaker. Since, at this time, we do not have any maintenance personnel, Mr. Spears is now our only authorized "competent person." Mr. Spears is currently training Mr. Hale, as we discussed in our conference meeting a week ago, so he can become another competent person on the team. Mr. Pratt may have more details on this allegation result since we didn't receive any citations or perform an inspection close out today and were told that Mr. Pruitt would be back tomorrow. We will have to see tomorrow.

Additionally, we seek clarification on whether MSHA inspectors must sign into our visitor's log like all other visitors. We were advised that this was not required, but we wish to ensure compliance with all protocols.

Our commitment to maintaining a safe and compliant operation is unwavering, and we take all allegations of safety violations seriously. However, we believe it is imperative that inspections and subsequent conclusions are grounded in factual observations rather than assumptions.

Your guidance on these matters would be greatly appreciated.

Best regards,

Russell Tidaback  
Managing Member  
American Tripoli

### Production Lead Duties

- Oversee mill associates
  - Daily – assign and ensure completed start-up and shut-down tasks on board(s) in breakroom
  - Daily – Assign roles, rotation schedule, and tasks
  - Daily – track/add their worked hours, PTO, or unpaid leave to Shifts
  - As needed, remind mill associates to wear appropriate PPE; collaborate with the Environmental and Safety Specialist to ensure all associates are following all MSHA and company guidelines
  - Utilize MS Teams to collaborate with all team members
- Control Room backup assistance (**NEED TO KNOW IN 90 DAYS**)
  - Operate control room while Control Room Mill Associate is on PTO/absent
  - Startup and Shutdown procedures
  - Collaborate with Quarry Associate/Operations Manager regarding needing more material delivered, and crushed in holding tanks
- Mill product and Production supply inventory [[OPERATIONS MANAGER](#)] (**NEED TO KNOW IN 14 DAYS**)
  - Do a **daily** overrun count and add to the On Hand tab in the Daily Production Report
  - Monthly inventory count of unused paper bags for 50 lb and 100 lb individually
  - monthly inventory of retail bags, Full and empty
  - Monthly inventory count of unused pallets for the 48 x 40 (domestic pallets), Large Heat Treated pallets and Small Heat Treated pallets individually (export pallets)
  - Monthly inventory count on full stretch wrap rolls
  - Monthly inventory count on slip sheets
  - Monthly measurement on oil (oil room large container)
- Shipping / receiving paperwork [[Shipping dept/OPERATIONS MANAGER](#)] (**NEED TO KNOW IN 14 DAYS**)
  - Check daily production schedule : <https://calendar.online/ShiftLead>
  - Print bag labels for orders to be produced that day ([Rollo Printer](#))
  - Print shipping paperwork for shipments going out each day
  - Verify paperwork is complete and appropriate documents are included

### **Exhibit 19**



- Assist truck driver with paperwork (where to sign) and any questions
- Send pictures of trailer/container empty and full, trailer #, and signed BOL in mill group chat tagging @Julie (shipping dept)
- Mailing/preparing the easy-to-handle (retail bags) **(NEED TO KNOW IN 14 DAYS)**
- Quality Control / CILAS reports [OPERATIONS MANAGER] **(NEED TO KNOW IN 14 DAYS)**
  - Run a CILAS report after each grade of product is produced
- Preventive maintenance schedule [OPERATIONS MANAGER/MAINTENANCE TECHNICIAN] **(NEED TO KNOW IN 60 DAYS)**
  - Work with maintenance team to update the preventative maintenance schedule when certain tasks are completed or need to be added to the schedule
- Mill Parts / Supplies requests [OPERATIONS MANAGER/MAINTENANCE TECHNICIAN] **(NEED TO KNOW IN 30 DAYS)**
  - Work with maintenance team to search for parts/supplies online and submit the quote(s) to the operations manager for approval and purchasing
  - This includes mill bathroom supplies
- Any additional tasks requested across the departments
- Collaborate with Operations Manager regarding mill associate professional development counseling session (if not monthly, quarterly)

The Operations Manager is your direct supervisor, the Mill Associates direct supervisor, and the Quarry Associates direct supervisor.

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

2OCT2023

U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 10100  
Kansas City, MO 64108  
Attorneys for the Secretary  
Laura Oreilly  
oreilly.laura.m@dol.gov  
Elaine Smith  
smith.elaine.m@dol.gov

Dear Ms. Laura Orielly,

Responding to the interrogatories, requests for production of documents, and requests for admission on behalf of Respondent American Tripoli:

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** State the facts you contend support your claim that you did not violate Section 105(c) of the of the Mine Act, 30 U.S.C. § 815(c), by terminating Robert Baumann.

**ANSWER:** The termination of Mr. Robert Baumann was not related to his engagement in protected activities under the Mine Act, but rather due to his consistently poor performance and the necessity for an appropriate timing of a new hire to replace him.

1. **Performance Issues:** Throughout Mr. Baumann's employment at American Tripoli, there were ongoing documented performance issues that were discussed for months prior to his termination. These issues included concerns about his competence, work ethic, and ability to fulfill his role as a shift lead. The decision to terminate Mr. Baumann's employment was primarily based on his performance during his tenure at American Tripoli. Numerous personal notes and discussions over the months prior to his termination demonstrate that his job performance was consistently unsatisfactory. These records attest to his inability to perform his duties satisfactorily as a shift lead, including failing to ensure proper work was completed within his specified work group, missing deadlines, and displaying an inability to accept

[CustomerService@AmericanTripoli.com](mailto:CustomerService@AmericanTripoli.com)

**Exhibit 20**

Exhibit P-43, Page 893

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

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and provide feedback to his team members.

Mr. Baumann consistently demonstrated incompetence and a poor work ethic, as evidenced by the excessive number of citations received for his area of responsibility during his relatively short employment with American Tripoli.

2. **Replacements and Competency:** American Tripoli made multiple efforts to find a suitable replacement for Mr. Baumann. The hiring of Mr. David Daigle in April 2022 was part of these efforts. Unfortunately, Mr. Daigle resigned a week later. Subsequent hires in August 2022 (Mr. Will Shallenburger), November 2022 (Mr. Richard McClelland), and March 2023 (Mr. Alex Snodgrass) were also made in an attempt to replace Mr. Baumann, each candidate demonstrating greater competency and leadership skills than Mr. Baumann. It is important to note that it was Mr. Alex Snodgrass's hiring in March 2023 that seemed to signal to Mr. Baumann that his tenure was being challenged, leading to a further decline in his attitude.
3. **Proactive Safety Measures:** American Tripoli is committed to maintaining a safe and compliant work environment. We have established policies and procedures that encourage open communication and reporting of safety concerns by all employees, including Mr. Baumann. Active communication channels were in place for all miners to express their concerns regarding safety and compliance. During his tenure, Mr. Baumann and other miners were encouraged to bring forward safety issues, and the mine operator consistently took swift action to address these concerns.
4. **Absence of Official Engagement in Protected Activities:** It is imperative to emphasize that Mr. Baumann did not serve as a designated representative of miners, nor did he submit any relevant information to the MSHA District Manager or to the mine operator, as required by 30 CFR Part 40. Every miner possesses the right to engage and accompany an MSHA inspector during an inspection, as stipulated by the Miner's Act. However, it's important to clarify that mere participation in such activities does not automatically confer upon a miner the designation of a miners' representative. In his claim, he states that he served as a representative of miners in an official capacity. However, the mine operator had no prior knowledge of any such intent or stated performance. If the mine operator had been

[CustomerService@AmericanTripoli.com](mailto:CustomerService@AmericanTripoli.com)

**Exhibit 20**

Exhibit P-43, Page 894

**Mailing Address:**

2701 East Grauwyler Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

informed of Mr. Baumann's desire to act as a miners' representative, they would have readily provided support and assistance to facilitate their involvement. This support would have included a more comprehensive briefing on the operations, ensuring that the designated person had the necessary insights to effectively address any inquiries from an inspector. This, another example of Mr. Baumann's lack of communication and leadership skills or experience. Regrettably, the mine operator was only made aware of Mr. Baumann's claim or supposed intention to serve as a representative of miners when the complaint was received by the commission. These points clarify the timeline and the lack of awareness regarding Mr. Baumann's purported role as a representative of miners and that his termination was entirely unrelated to protected activities under the Mine Act.

5. **Inconsistent Claims:** Mr. Baumann's current assertions about unaddressed safety concerns are inconsistent with the documented history of safety communication and resolution during his tenure. It is crucial to consider the inconsistency between his current claims and the historical record of safety communication and resolution within the company.
6. **Questioning the Timing:** We urge you to consider the timing of Mr. Baumann's claims about any unresolved safety issues. The mine operator offers numerous communication channels to express or bring forward and safety concerns. If Mr. Baumann had concerns, he did not utilize any of the available opportunities. Notably, he has only made any claims such claims after his termination. This timing raises questions about his motives and the credibility of his assertions.
7. **Notice of Termination:** Mr. Baumann received his notice of termination on April 17, 2023. It is notable that, as evidenced by the Kansas Department of Labor's rules and Unemployment Benefits Form 2023, Mr. Baumann applied for unemployment insurance benefits on April 16, 2023, potentially indicating his intention to quit the next day. Therefore, his termination was not related to his protected activities, but rather based on his poor performance.

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8. **Legal and Ethical Obligations:** The mine operator has a legal and ethical obligation to ensure a safe work environment for all employees. We remain committed to supporting employees' rights to report safety issues without fear of retaliation.

In conclusion, American Tripoli vehemently denies that Mr. Baumann's termination was in violation of Section 105(c) of the Mine Act. The decision to terminate Mr. Baumann was a result of his consistent poor performance, inability to fulfill his responsibilities, and the company's efforts to maintain the safety and efficiency of its operations, and not because of any protected activities he may have engaged in under the Mine Act. The proposed civil penalty is excessive and unwarranted, considering the specific circumstances of the case.

**INTERROGATORY NO. 2:** State the facts you contend support your claim that you did not violate Section 105(c) of the Mine Act, 30 U.S.C. § 815(c) by interfering with miners' rights at the MoSenecaMfr LLC dba American Tr mine, as outlined in Count II of the Complaint filed in this docket.

**ANSWER:** In response to Count II of the Complaint, which alleges interference with miners' rights under Section 105(c)(1) of the Mine Act, the Respondent vehemently denies the allegations and submits the following arguments and facts to refute the claim of interference.

**1. INTENT OF COMMUNICATION:**

The primary argument against the interference complaint centers around the intent behind Mr. John Spears' message to Mr. Gage Wheeler during the MSHA inspection on 14FEB2023. The message was not intended to interfere with miners' rights but rather to facilitate communication and ensure accurate information transfer to the MSHA inspector. We want to clarify that the communication on February 14, 2023, was directed to a specific miner, Gage Wheeler, and was not a message sent to all miners. Mr. Gage Wheeler, who had a history of being confrontational during past MSHA inspections. Therefore, it was crucial to address potential issues in communication. This communication has been included in the "ALL Communications regarding MSHA.pdf, 14FEB2023 - John message to Gage about MSHA inspector.png, 14FEB2023 - John message to Gage about

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MSHA inspector 2nd part.png, 14FEB2023 - Russell message to John about not telling Gage to speak with MSHA inspectors.png" document for your reference. See folder "Request for Documents 20". Therefore, it was crucial to address potential issues in communication. This is a testament to the mine operator's commitment to ensuring smooth inspection processes.

**2. RESPECT FOR MINER RIGHTS:**

The Respondent reaffirms its unwavering commitment to respecting miners' rights to report safety or health issues to MSHA and to participate in inspections without interference. The mine operator has always upheld these rights and encouraged employees to express their concerns regarding safety and compliance without fear of retaliation. This commitment to miner rights was consistently maintained throughout Mr. Baumann's tenure, as well as during the MSHA inspection in question. There were no actions taken to undermine miners' rights to engage with MSHA inspectors.

**3. DISMISSAL OF INTERFERENCE CLAIM:**

The allegations in the interference complaint, as detailed in Count II, are not substantiated by concrete evidence or facts. While the complaint alleges that Respondent interfered with miners' statutory rights, there is no proof that Mr. Baumann was told not to speak with MSHA inspectors or that his rights were compromised in any way. Furthermore, the Respondent addressed any potential misunderstandings with miners, such as Mr. Gage Wheeler, to clarify that they were free to speak with MSHA inspectors. Mr. Gage Wheeler, having undergone MSHA training on miners' rights, confirmed that he did not feel that Respondent's message interfered with his rights.

In conclusion, the interference allegations in Count II of the Complaint lack substantial evidence and should be dismissed. The Respondent's actions have consistently been aimed at ensuring safety and compliance while respecting miners' rights. The complaint does not establish any violation of Section 105(c)(1) of the Mine Act. The proposed civil penalty is unwarranted in this case, as there is no basis for the interference claim, and the Respondent remains committed to maintaining a safe and healthy work environment.

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**INTERROGATORY NO. 3:** Set forth the job duties, title and responsibilities of Robert Baumann while he was employed by Respondent, including the dates of his employment in each role.

**ANSWER:** Mr. Robert Baumann served as a Shift Lead at our facility from June 16, 2022, to April 17, 2023. As a Shift Lead, Mr. Baumann had specific responsibilities to ensure the efficient and safe operation of our mill facility. His duties and responsibilities included but were not limited to the following:

**Shift Lead Duties:**

**Oversee Mill Associates:** While Mr. Baumann was not a supervisor, he provided guidance and support to Mill Associates, ensuring they carried out their tasks efficiently and complied with safety and operational guidelines.

**Daily Assignment of Start-Up and Shut-Down Tasks:** On a daily basis, Mr. Baumann was tasked to assign and ensured the completion of start-up and shut-down tasks on the boards located in the breakroom, contributing to the mill's daily operations efficiencies.

**Rotation Schedule and Task Assignments:** Daily, Mr. Baumann was tasked to assign roles, follow rotation schedules, and delegate specific tasks to Mill Associates to ensure the smooth functioning of the mill.

**Time Tracking:** Mr. Baumann was tasked to maintain records of worked hours, paid time off (PTO), or unpaid leave for Mill Associates, which was crucial for time management and payroll purposes.

**Enforcement of Safety Procedures:** He was responsible for reminding Mill Associates to wear appropriate personal protective equipment (PPE) and collaborated with the Environmental and Safety Specialist to ensure compliance with MSHA and company safety regulations. Which he lacked tremendously and the citations received during his tenure exemplify this.

**Utilization of MS Teams for Collaboration:** Mr. Baumann was tasked to actively use Microsoft Teams to foster collaboration and communication among team members, contributing to a cohesive and efficient work environment for which he failed at.

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**Exhibit 20**

Exhibit P-43, Page 898



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Control Room Backup: He was tasked as the backup for the control room, which entailed operating the control room in the absence of the more experience Mill Associate.

Control Room Operation: In the absence of the more senior Mill Associate due to leave or other circumstances, Mr. Baumann was tasked for operating the control room, which is a mission-critical aspect of mill operations.

Startup and Shutdown Procedures: Mr. Baumann was tasked with the startup and shutdown procedures of the mill, ensuring they were executed according to established protocols.

Collaboration with Quarry Associate/Operations Manager: He was tasked to collaborate with the Quarry Associate and Operations Manager, specifically regarding material deliveries, crushing operations, and any material-related requirements for mill production.

Mill Product and Production Supply Inventory: Mr. Baumann was tasked to conduct monthly inventory counts for various supplies and materials, including bags, pallets, stretch wrap rolls, slip sheets, and oil, ensuring accurate records for operational purposes for which he failed at miserably.

Shipping/Receiving Paperwork: He was tasked in the preparation and verification of shipping and receiving paperwork, ensuring all relevant documents were complete and accurate. He also assisted truck drivers with paperwork-related inquiries and processing for which he struggled with the entire time.

Mailing/Preparing Easy-to-Handle Bags: Mr. Baumann was tasked with preparation of easy-to-handle retail bags, contributing to our efficient order fulfillment process for which his performance was so lacking that we were never able to get him to do this tasking.

Quality Control/CILAS Reports: He was tasked to run CILAS (Coupled Ion Chromatography and Light Scattering) reports after each grade of product was produced, maintaining quality control records. Again his performance was so lacking that we were never able to get him to do this tasking.

Preventive Maintenance Schedule: Mr. Baumann was tasked to collaborate with the maintenance team to update the preventive maintenance schedule as tasks were completed or needed to be added, ensuring the



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equipment's reliability and longevity. Again, his performance was so lacking that we were never able to get him to do this tasking.

Mill Parts/Supplies Requests: He was tasked to work closely with the maintenance team to identify and request necessary parts and supplies, including online searches and submission of quotes to the Operations Manager for approval and purchasing. Again, his performance was so lacking that we were never able to get him to do this tasking.

Additional Tasks: Mr. Baumann struggled with effectively completing the above tasks and responsibilities as requested by different departments, showcasing his flexibility and dedication to the smooth operation of the facility that he was not respected by his peers.

Professional Development Counseling: He was tasked to work with the Operations Manager to conduct professional development counseling sessions, focusing on the growth and development of Mill Associates. These, due to his poor performance, never happened.

While Mr. Baumann was a shift lead, not a supervisor, this role is instrumental in various aspects of mill operations. This detailed overview of his job duties during his employment at our facility accurately represents the nature of his role at American Tripoli.

**INTERROGATORY NO. 4:** If Respondent claims that a defense or affirmative defense is applicable to the claims at issue in this case, please identify each such defense and state with particularity the material facts supporting such defense.

**ANSWER:** While we understand the need for transparency and adherence to legal processes, we firmly contend that requiring the immediate identification of defenses with particularity may not be suitable for the complex and evolving nature of this case. It is essential to uphold the principles of fairness, due process, and the right to develop a comprehensive defense. We propose that the Respondent be allowed to identify defenses as the case unfolds, ensuring that both parties have an equal opportunity to present their positions

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effectively. This approach will safeguard the integrity of the legal process while preserving the rights of all parties involved.

**INTERROGATORY NO. 5:** Set forth the reasons Robert Baumann was terminated, who participated in the decision to terminate Robert Baumann, and the date such decision was made.

**ANSWER:** The termination of Mr. Robert Baumann was based on well-established principles of employment and operational policies. The decision to terminate an employee is never taken lightly and is made in consideration of multiple factors, including the overall safety and efficiency of our operations. Below, we provide a general outline of the principles that guided Mr. Baumann's termination and the individuals involved in the decision.

**Principles for Termination:**

Mr. Baumann's termination was the result of several factors, including but not limited to:

- **Poor Performance:** Mr. Baumann's performance as a shift lead consistently fell below acceptable standards, demonstrating an inability to fulfill his role effectively.
- **Lack of Leadership Skills:** Mr. Baumann's performance was hindered by a lack of leadership skills, which were essential for his position.
- **Failure to Follow Procedures and Guidance:** Despite several attempts to address these issues through coaching, feedback sessions, and open communication channels, Mr. Baumann did not exhibit any signs of improvement in his performance or attitude.
- **Safety Concerns:** Safety is a paramount concern in our operations. Mr. Baumann's disregard for safety guidelines, and failure to take safety matters seriously, created an unsafe work environment for himself and his colleagues.
- **Also following the Missouri Department of Labor Discharged Employees and Final Wages,** Missouri follows the Employment-At-Will doctrine. This means that both the employer and

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**Exhibit 20**

Exhibit P-43, Page 901

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employee can terminate the employment relationship at any time and for any reason, as long as there is no employment contract to the contrary, there is no discrimination under civil rights laws (based on race, color, age, national origin, religion, ancestry, sex, or physical/mental disability), no merit laws apply, or the state's limited public policy exception does not apply.(  
<https://labor.mo.gov/dls/general/termination-final-wages>)

**Participants in the Decision:**

The decision to terminate Mr. Baumann was made collectively by management personnel within our organization. It is important to emphasize that the decision was based on a thorough assessment of Mr. Baumann's performance, through different managers' feedback, in alignment with established company policies.

**Date of the Decision:**

The decision to terminate Mr. Baumann was made in accordance with company protocols and procedures, and it was communicated to Mr. Baumann on April 17, 2023. It is important to note that termination is not an abrupt action but a culmination of ongoing discussions, evaluations, and attempts to improve an employee's performance over time.

In conclusion, the decision to terminate Mr. Baumann was based on general principles of employment and operational policies to ensure the safety and efficiency of our operations. We remain committed to safeguarding both individual rights and operational integrity while adhering to legal and ethical standards.

**INTERROGATORY NO. 6:** Identify by name, job title, job duties, dates of employment, phone number, email address, and home address, each individual employed by Respondent at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022 through April 17, 2023.

**ANSWER:** Respondent provides the following information regarding individuals employed at American Tripoli from June 1, 2022, through April 17, 2023:

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**Exhibit 20**

Exhibit P-43, Page 902

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**1. Frank Duran**

- a. Job Title: Asst Manager
- b. Dates of Employment: September 27, 2021, through March 24, 2022
- c. Home Address: 8624 Cedar Dr. Joplin, MO 64804

**2. Camrin Bindel**

- a. Job Title: Mill Associate
- b. Dates of Employment: March 28, 2022, through June 7, 2022
- c. Home Address: 201 N. Vine St Commerce, OK 74339

**3. Jeffrey Willis**

- a. Job Title: Maintenance Lead
- b. Dates of Employment: March 21, 2022, through July 29, 2022
- c. Home Address: 1910 Pineville, Neosho, MO 64850

**4. Roger Chester**

- a. Job Title: Quarry Manager
- b. Dates of Employment: June 4, 1983, through August 9, 2022
- c. Home Address: 69101 East 94th Rd, Wyandotte, OK 74370

**5. Juan Trujillo**

- a. Job Title: Maintenance Associate
- b. Dates of Employment: June 15, 2022, through August 15, 2022
- c. Home Address: 2137 Elenor St, Springdale, AR 72764

**6. Christine Schreiber**

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- 
- a. Job Title: Operations Manager
  - b. Dates of Employment: April 4, 2022, through August 17, 2022
  - c. Home Address: 2302 E. 10th St., Joplin, MO 64801

**7. Jubil Clark**

- a. Job Title: Mill Associate
- b. Dates of Employment: April 27, 2022, through November 11, 2022
- c. Home Address: 11701 S 510 Rd, Miami, OK 74354

**8. Cheri Blount**

- a. Job Title: Administrative Assistant
- b. Dates of Employment: May 16, 2022, through August 26, 2022
- c. Home Address: PO Box 732 Miami, OK 74355

**9. Bonnie Bainter**

- a. Job Title: EHS Manager
- b. Dates of Employment: January 17, 2022, through August 30, 2022
- c. Home Address: 122 W. Pearl St, Goodman, MO, 64843

**10. Angela Schafer**

- a. Job Title: Production Shipping Coordinator
- b. Dates of Employment: August 18, 2022, through September 13, 2022
- c. Home Address: 9002 W. Hwy 20, Jay, OK 74346

**11. Joshua Bird**

- a. Job Title: Mill Associate
- b. Dates of Employment: May 26, 2022, through September 27, 2022

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c. Home Address: 118 N. Main St. Fairland, OK 74343

12. William Shallenburger

- a. Job Title: Production Manager
- b. Dates of Employment: August 24, 2022, through October 5, 2022
- c. Home Address: 66117 E. 160 Rd, Wyandotte, OK 74370

13. Jessie Hodge

- a. Job Title: Maintenance Lead
- b. Dates of Employment: August 1, 2022, through October 31, 2022
- c. Home Address: 9002 W. Hwy 20, Jay, OK 74346

14. Carson Allman

- a. Job Title: Maintenance Associate
- b. Dates of Employment: September 15, 2022, through November 4, 2022
- c. Home Address: 1738 Salt Rd, Noel, MO 64854

15. Terry Newburn

- a. Job Title: Safety Manager
- b. Dates of Employment: September 26, 2022, through November 4, 2022
- c. Home Address: 405 Gratz St, Noel, MO 64854

16. Landry Barnes

- a. Job Title: Mill Associate
- b. Dates of Employment: April 27, 2022, through November 11, 2022
- c. Home Address: 11701 S 510 Rd, Miami, OK 74354

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**17. Terry Barlow**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: November 8, 2022, through November 13, 2022
- c. Home Address: 12624 Elder Rd, Diamond, MO 64840

**18. Richard McClelland**

- a. Job Title: Production Supervisor
- b. Dates of Employment: November 14, 2022, through November 16, 2022
- c. Home Address: 105 N. Delaware St., Grove, OK 74344

**19. Blake Leaf**

- a. Job Title: Mill Associate
- b. Dates of Employment: October 12, 2022, through November 30, 2022
- c. Home Address: 65300 E. 248 Ln Lot 60, Grove, OK 74344

**20. Justin Campbell**

- a. Job Title: Mill Associate
- b. Dates of Employment: October 12, 2022, through December 29, 2022
- c. Home Address: 112 N. Elm St, Wyandotte, OK 74370

**21. Sarah Giberti**

- a. Job Title: Administrative Assistant
- b. Dates of Employment: August 29, 2022, through December 30, 2022
- c. Home Address: 535 Dove Rd, Goodman, MO 64843

**22. Bryceton Williams**

- a. Job Title: Maintenance Technician



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- b. Dates of Employment: November 21, 2022, through January 2, 2023
  - c. Home Address: 4824 Empire Lane, Joplin, MO 64804

**23. Benjamin Waters**

- a. Job Title: Mill Associate
- b. Dates of Employment: June 6, 2022, through January 4, 2023
- c. Home Address: 4161 Detroit Dr, Joplin, MO 64804

**24. Dakota Fellers**

- a. Job Title: Mill Associate
- b. Dates of Employment: January 11, 2023, through January 17, 2023
- c. Home Address: 300 W. Washington, Marionville, MO 65705

**25. Kensley Brewer**

- a. Job Title: Production Coordinator
- b. Dates of Employment: December 19, 2022, through January 24, 2023
- c. Home Address: 2415 Alabama Ave., Joplin, MO 64804

**26. Andrew Wasson**

- a. Job Title: Heavy Equipment Operator
- b. Dates of Employment: December 12, 2022, through February 25, 2023
- c. Home Address: 408 W. Spring St., Neosho, MO 64850

**27. Gage Wheeler**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: December 26, 2022, through February 28, 2023
- c. Home Address: 618 Valley View Dr., Carl Junction, MO 64834



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## 28. Alex Snodgrass

- a. Job Title: Production Coordinator
- b. Dates of Employment: March 20, 2023, through April 14, 2023
- c. Home Address: 3812 South Indiana Ave., Joplin, MO 64804

## 29. Robert Baumann

- a. Job Title: Production Supervisor
- b. Dates of Employment: June 16, 2022, through April 17, 2023
- c. Home Address: 939 South Park Dr, Columbus, KS 66725

## 30. Ronnell Fondren

- a. Job Title: Mill Associate
- b. Dates of Employment: February 8, 2023, through April 20, 2023
- c. Home Address: 2640 E. 34th St Apt F76, Joplin, MO 64804

## 31. Jessie Molesi

- a. Job Title: EHS Specialist
- b. Dates of Employment: March 20, 2023, through August 10, 2023
- c. Home Address: 175 Judd St., Granby, MO 64844

## 32. Jeremy Talbert

- a. Job Title: Maintenance Technician
- b. Dates of Employment: March 20, 2023, through August 11, 2023
- c. Home Address: 2640 E. 34th St Apt F76, Joplin, MO 64804

## 33. Patrick Lewis

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- 
- a. Job Title: Mill Associate
  - b. Dates of Employment: March 7, 2022, through August 25, 2023
  - c. Home Address: 13305 Iris Rd #4 Neosho, MO 64850

**34. Ryan Closser**

- a. Job Title: Maintenance Technician
- b. Dates of Employment: March 27, 2023, through September 1, 2023
- c. Home Address: 624 Tatterson, Puenweg, MO 64841

**35. Jimmy Hoover**

- a. Job Title: Mill Associate
- b. Dates of Employment: November 14, 2018, through September 14, 2023
- c. Home Address: PO Box 111, Seneca, MO 64865

**36. Raneldon Williams**

- a. Job Title: Mill Associate
- b. Dates of Employment: June 20, 2022 - Present
- c. Home Address: 3812 South Indiana Ave., Joplin, MO 64804

**37. John Spears**

- a. Job Title: Operations Manager
- b. Dates of Employment: August 17, 2022 - Present
- c. Home Address: 10396 Reindeer Dr., Granby, MO 64844

In addition, see attachment Employee Roster Info 1June2022 -17APR2023.pdf

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**INTERROGATORY NO. 7:** Identify each instance, since June 2021, in which an employee was terminated by Respondent at the MoSenecaMfr LLC dba American Tr mine, including the reason for the termination, the date of the termination, and the name and job title of the employee terminated.

**ANSWER:**

Regarding the request to identify instances of employee terminations at American Tripoli since June 2021, please find the information below:

Frank Duran

Job Title: Assistant Manager

Date of Termination: March 24, 2022

Reason for Termination: Insubordination

Camrin Bindel

Job Title: Mill Associate

Date of Termination: June 7, 2022

Reason for Termination: Behavior issues

Jessie Hodge

Job Title: Maintenance

Date of Termination: October 30, 2022

Reason for Termination: Performance issues

Carson Allman

Job Title: Maintenance

Date of Termination: November 4, 2022

Reason for Termination: Performance issues

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Terry Newborn

Job Title: Safety

Date of Termination: November 4, 2022

Reason for Termination: Performance and insubordination issues

Robert Baumann

Job Title: Shift Lead

Date of Termination: April 17, 2023

Reason for Termination: Performance issues

Ryan Closser

Job Title: Maintenance

Date of Termination: August 30, 2023

Reason for Termination: Performance and attendance issues

Jim Hoover

Job Title: Mill Associate

Date of Termination: September 14, 2023

Reason for Termination: Performance and attendance issues

Please note that these terminations were conducted based on our internal policies and procedures, considering various factors related to each employee's performance, conduct, or behavior. We remain committed to ensuring a safe and productive work environment for all employees at our mine.

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DECLARATION

I, Russell Tidaback state that I am authorized to answer the foregoing interrogatories on behalf of MoSenecaManufacturer Limited Liability Company d/b/a American Tripoli. I have read the foregoing interrogatories and answers thereto and know the content thereof. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing answers to the interrogatories are true and correct.

By: Russell Tidaback

Name: Russell Tidaback

Title: Managing Member

Dated: 16OCT2023

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**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents identified or referred to in your answers to the interrogatories above.

**RESPONSE:** In response to your request for production of documents, we have provided attachments that include all documents identified or referred to in our answers to the interrogatories. Please find these documents attached to this response in the respective labeled folder. If you have any specific questions or require further clarification regarding any of these documents, please do not hesitate to reach out, and we will be happy to assist further.

2. Produce the documents related to the terminations identified in response to Interrogatory No. 7.

**RESPONSE:** In accordance with your request to produce documents related to the terminations identified in response to Interrogatory No. 7, You will find these letters in the attached document labeled '*Individual name* - date - Termination Letter' in folder labeled "Request for Documents 2". If you require any further information or have additional questions, please feel free to contact us for clarification or any other assistance needed.

3. Produce all documents which you contend support any claims or defenses you have or may raise to the claims at issue in this docket.

**RESPONSE:** In response to your request to produce documents that support any claims or defenses we have or may raise in this docket, we acknowledge the importance of transparency and cooperation in the legal process. While we understand your desire for particularity, it's crucial to note the complex and evolving nature of this case. Requiring the immediate identification of defenses may not align with the principles of fairness, due process, and the right to develop a comprehensive defense.

We propose an approach that allows both parties to identify defenses as the case unfolds, ensuring a balanced opportunity to present positions effectively. This approach will safeguard the integrity of the legal process while respecting the rights of all parties involved.

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**Exhibit 20**

Exhibit P-43, Page 913

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We are fully committed to complying with our legal obligations and cooperating in the discovery process. As such, we are providing all relevant documents and will promptly provide any additional relevant documents as they become available and maintain open communication with your team. If you require specific documents or have further inquiries related to this request, please do not hesitate to reach out to us for clarification and assistance.

4. Produce the documents pertaining to any of Respondent's denials that it did not commit the alleged 105(c) violations set forth in the Complaint in this docket.

**RESPONSE:** In response to your request to produce documents related to any of our denials concerning the alleged 105(c) violations set forth in the Complaint in this docket, we understand the significance of transparency and adherence to the legal process. We are fully committed to cooperating and complying with our legal obligations.

We have provided the Operator's Answer, Document No. CENT 2023-0251 – Operator's Answer.pdf, to the complaint, located in folder "Request for Documents 4", and will continue to promptly provide documents related to any denials as they become available in the course of this legal proceeding. This approach ensures that both parties have equal opportunities to present their positions effectively and maintains the integrity of the legal process.

If you require specific documents or have further inquiries concerning this request, please feel free to contact us for clarification and assistance. We are dedicated to upholding the principles of due process and a fair legal process, and we look forward to working cooperatively with your team throughout the discovery process.

5. Produce Robert Baumann's personnel file.

**RESPONSE:** In response to your request for Robert Baumann's personnel file, please find attached the requested personnel file for Robert Baumann labelled "Request for Documents 5". This file contains all

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relevant information regarding his employment, performance, and any related matters during his tenure with our organization.

We are committed to providing the necessary documents and information as part of our cooperation in this legal process. If you have any further requests, require additional information, or have any specific questions regarding the personnel file, please do not hesitate to contact us. We are dedicated to ensuring a transparent and fair process throughout the course of this legal proceeding.

6. Produce the documents showing all training provided to Robert Baumann while he was employed by Respondent.

**RESPONSE:** We acknowledge your request for all training records related to Robert Baumann during his employment with our company. Please be advised that Robert Baumann received mandatory training required by the Mine Safety and Health Administration (MSHA) during his tenure with our organization. This training includes but is not limited to new miner training and other MSHA-required safety and health courses.

It's important to note that our company primarily provides MSHA-mandated training, and any additional training is often self-driven or related to specific tasks and equipment operation.

We will provide all records related to the MSHA-required training received by Robert Baumann as part of this response. However, please understand that there may be limited records for additional training beyond MSHA requirements as most of his responsibilities were covered by the mandatory safety training. All presented and available 24/7 employee training, see the documents in the attached folder labeled "Request for Documents 6".

If you have specific questions or require further clarification regarding the provided training records, please do not hesitate to contact us. We are dedicated to ensuring transparency and compliance with all aspects of this legal proceeding.



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7. Produce the documents showing all payments and compensation made to Robert Baumann by Respondent.

**RESPONSE:** We acknowledge your request for documents showing all payments and compensation made to Robert Baumann by our company. Please find attached the document 'Robert Baumann Payroll Detail 07.01.22-04.21.23.pdf,' in folder "Request for Documents 7", which contains the relevant payroll information for Mr. Baumann during his employment with us.

The attached document includes detailed payroll records, payment history, and compensation breakdowns, and it should address your request adequately.

We are committed to providing any additional information or clarifications you may require during the discovery process. If you have any further questions or need additional documents, please don't hesitate to reach out.

8. Produce the documents showing all benefits provided to Robert Baumann by Respondent, including insurance benefits, retirement benefits, and paid leave.

**RESPONSE:** We provided Robert Baumann with the opportunity to enroll in medical and dental insurance benefits; however, he chose not to apply for these benefits during his employment with us. Additionally, Mr. Baumann was offered a Red Wing boot voucher but did not utilize it.

For a comprehensive overview of Mr. Baumann's benefits, including insurance benefits, retirement benefits, and paid leave, please refer to the attached document labeled "American Tripoli Employee Handbook.pdf." This document outlines the summary of benefits made available to him during his employment with Respondent.

In addition, for Mr. Baumann's accrued paid time off, consult the attached document titled "Paid Time Off Accruals for Mr. Baumann.pdf." This document provides details about his paid time off accruals. Both of the above-mentioned documents are in folder labelled "Request for Documents 8".

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9. Produce the documents showing the hours worked by Robert Baumann while he was employed by Respondent.

**RESPONSE:** Please find attached the document labeled "Robert Baumann Payroll Detail 07.01.22-04.21.23.pdf." located in folder labelled "Request for Documents 9". This document provides a detailed record of the hours worked by Robert Baumann during his employment with Respondent, covering the period from July 1, 2022, through April 21, 2023. The hours worked are accurately recorded in this document.

10. Produce your employee handbook and/or any other documents which set forth the conditions and/or terms of employment for employees at the MoSenecaMfr LLC dba American Tr mine in effect at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** See attachments Robert Baumann\_American Tripoli Position Offer Letter.pdf and the American Tripoli Employee Handbook.pdf in folder labelled "Request for Documents 10".

11. Produce the documents reflecting any discipline of Robert Baumann.

**RESPONSE:** We acknowledge that there were instances where disciplinary actions were taken concerning Mr. Robert Baumann; however, it is important to note that the company's disciplinary process, as outlined in the employee handbook, allows for flexibility in addressing employment issues. While the handbook provides for a progressive discipline process, it also clarifies that the company is not bound by a specific sequence and reserves the right to address matters promptly, in accordance with the "at-will" employment relationship. We are committed to providing any available records reflecting the disciplinary actions taken. Please note that while the "written" part of the progressive discipline process was not consistently documented, appropriate actions were taken to address the concerns and maintain compliance with company policies.

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12. Produce the documents reflecting any safety complaints made or safety concerns raised by Robert Baumann to any of Respondent's managers, owners or supervisors.

**RESPONSE:** While we take safety concerns seriously and maintain a robust system for addressing them, we do not have specific documentation of safety complaints or concerns raised by Mr. Robert Baumann. Our safety protocols encourage open communication, and our managers, owners, and supervisors are committed to promptly addressing any safety-related matters. While we have not found records of such complaints or concerns pertaining to Mr. Baumann, we emphasize that we actively encourage employees to report any safety issues, and we remain vigilant in ensuring a safe working environment. If any specific concerns emerge during the course of this case, we will promptly provide relevant documentation.

13. Produce the documents reflecting Robert Baumann's designation as a representative of the miners at the MoSenecaMfr LLC dba American Tr mine.

**RESPONSE:** Mr. Robert Baumann never provided any documents designating himself as a representative of the miners at the MoSenecaMfr LLC dba American Tr mine. The first indication of such a designation came to our attention when the complaint was received by MSHA. We have not found any records or documents related to Mr. Baumann's official designation as a miner representative.

14. Produce the native document, in its native format with all metadata, of the PDF document Respondent produced to MSHA during the investigation of this case titled "Rob Baumann-Notes".

**RESPONSE:** The PDF document titled "Rob Baumann-Notes" produced to MSHA during the investigation of this case is the native document in its original format. Mr. Tidaback's personal notes regarding personnel matters are periodically transcribed from a Rocketbook wipeable notebook he carries with him. The PDF provided accurately represents the content and format of the original notes.

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15. Produce Robert Baumann's "employee journal" or any other document where you kept notes and/or information about Robert Baumann and his job performance.

**RESPONSE:** The document titled "Rob Baumann Russell Notes.pdf" produced to MSHA during the investigation of this case is the employee journal or document where notes and information about Robert Baumann and his job performance were kept. Please refer to this document for the requested information.

16. Produce the "employee journal" or any other documents where you kept notes and/or information about employees employed by Respondent at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** The attached documents titled "Rob Baumann Russell Notes.pdf," "Christine Schreiber Russell Notes.pdf," and "Jim Hoover Russell Notes.pdf", see folder labelled "Request for Documents 16", are the employee journals or documents where notes and information about employees employed by Respondent at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022, through April 17, 2023, were kept. Please refer to these documents for the requested information.

17. Produce the workplace examinations and/or workplace inspections from the MoSenecaMfr LLC dba American Tr mine from June 1, 2022 through April 17, 2023.

**RESPONSE:** The workplace examinations and workplace inspections conducted at the MoSenecaMfr LLC dba American Tr mine from June 1, 2022, through April 17, 2023, are contained in the attached document titled "Daily Workplace Inspections 1JUNE2022 - 17APR2023.pdf.", see folder labelled "Request for Documents 17". Please refer to this document for the requested workplace examination and inspection information.

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18. Produce the Microsoft Teams chats or messages involving any employee of Respondent, including owners, managers, supervisors, maintenance personnel, etc., regarding Robert Baumann's discrimination complaint, Robert Baumann's termination, Robert Baumann's job performance, safety related concerns or complaints raised by Robert Baumann, complaints about Robert Baumann, and/or Robert Baumann's workplace examinations.

**RESPONSE:** Producing the entire Microsoft Teams chats or messages involving any employee of Respondent, as specified in your request, is overly broad and would entail disclosing vast amounts of irrelevant information. Unfortunately, we do not have the capacity to retrieve messages from employees' accounts, as they are maintained on their individual devices. Also unless Mr. Baumann's name is specifically in the messages there is no way to search for generics. To maintain the integrity of the discovery process, we propose a more targeted approach.

Given that the only employees still employed by Respondent since the termination of Mr. Baumann are Mr. Williams, and Mr. Spears, we can provide group messages involving these individuals for the specified purposes. If you could kindly specify the date ranges, topics, or any other relevant details for these chats and messages, we will make a good faith effort to assist in obtaining any relevant messages. In the folder labeled "Request for Documents 18", there is a document titled "Communication between Jim are Russ regard Rob post 17APR2023.pdf", this running conversation points out Mr. Jim Hoover's opinions, distrust, aggravation and hassle when dealing with Mr. Baumann. Mr. Hoover was the most senior employee with over four years of experience at the mine site.

19. Produce the documents reflecting any "counseling and guidance" provided to Robert Baumann while he was employed by Respondent.

**RESPONSE:** While we acknowledge that counseling and guidance were provided to Robert Baumann during his employment, these interactions were primarily conducted verbally, and no formal written records were maintained. Any guidance or counseling discussions were aimed at improving his job performance, ensuring compliance with safety protocols, and fostering a better work environment. We

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remain committed to maintaining open lines of communication and providing support to our employees as needed.

20. Produce the text messages, emails, Microsoft Teams chat, and/or any other communication from John Spears to any employees regarding MSHA inspections, including the February 14, 2023 message to miners regarding MSHA's inspection.

**RESPONSE:** All communications related to MSHA inspections and interactions with MSHA inspectors have been consolidated into a comprehensive document labeled "ALL Communications regarding MSHA.pdf." This document contains a thorough record of all communications, including Microsoft Teams chats, text messages, and emails exchanged between employees of Respondent at the MoSenecaMfr LLC dba American Tr mine concerning MSHA inspections and interactions with MSHA inspectors.

By consolidating these communications into a single document, we aim to provide a complete and organized account of our interactions with MSHA and MSHA inspectors. This approach is intended to streamline the document production process and ensure clarity in our responses.

If you have any specific questions or need further information regarding these communications, please do not hesitate to contact us. We are committed to transparency and open communication throughout this process.

21. Produce the text messages, emails, Microsoft Teams chat, and/or any other communication from and/or between Robert Baumann, Respondent, John Spears, Russell Tidaback, and/or Jordan Tidaback regarding the MSHA 104(b) Order issued on April 12, 2023 or payment during the withdrawal order.

**RESPONSE:** Please find attached the requested communications regarding the MSHA 104(b) Order issued on April 12, 2023, and payment during the withdrawal order, "Request for Documents 21". We wish to emphasize that, in full compliance with MSHA regulations and with a commitment to the well-



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being of our miners, Respondent promptly paid the miners as required by the 104(b) Order, without any delay.

1. Chat messages between Robert Baumann to John Spears and John Spears to Ms. Tidaback and Mr. Tidaback (labeled as "14APR2022 – Chat messages showing Robs misunderstanding regarding a 104(b) order and pay.pdf").
2. Email chain involving Mr. Markeson, Respondent, John Spears, and Russell Tidaback (labeled as "Email Chain w Markeson regarding miner compensation - RE\_ 12APR2023 - B Order #9539789 & 9539790.pdf").
3. Text messages between Robert Baumann and John Spears (labeled as "12APR2023 - Text message between Mr. Baumann and Mr. Spears regarding work and being paid.png").

These documents encompass the pertinent communications and discussions surrounding the MSHA 104(b) Order and issues related to payment during the withdrawal order. We would like to reiterate that all miners were paid appropriately and without delay in accordance with MSHA regulations. Should you require any further specific information or have additional inquiries, please do not hesitate to reach out.

22. Produce Respondent's disciplinary policy in effect at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2022 through April 17, 2023.

**RESPONSE:** Our disciplinary policy in effect at the MoSenecaMfr LLC dba American Tr mine during the specified period can be found in the attached document titled "American Tripoli Employee Handbook.pdf.", see folder labeled "Request for Documents 22". The relevant information regarding our Progressive Discipline policy can be located in the handbook, specifically in the paragraph that addresses Progressive Discipline.

23. Produce the documents reflecting any discipline given to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine at any time from June 1, 2021 through April 17, 2023.

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**RESPONSE:** Please find the attached documents in labelled folder “Request for Documents 23”, which reflect instances of discipline given to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine during the specified timeframe from June 1, 2021, through April 17, 2023. These documents provide details of the written disciplinary actions, including warnings, reprimands, counseling, and terminations, that were administered and recorded in accordance with company policies and procedures.

Attached documents:

26APR2022 Jena Turner Reprimand.pdf

7JUNE2022\_Camrin Bindle Relieving Letter.pdf

7JUNE2022\_Camrin Bindle - Termination Letter.pdf

13OCT2022 - Carson Allman - Letter or Reprimand.pdf

12MAY2023\_RJ\_Williams\_Reprimand.pdf

12MAY2023\_Patrick\_Lewis\_LOR\_for performance and attendance.pdf

17JUL2023\_Jim\_Hoover\_Counseling\_SIGNED (1).pdf

19JUL2023\_RJ\_Williams\_Counseling\_Letter.pdf

20JUL2023\_Patrick\_Lewis\_Written\_Counseling.pdf

These documents demonstrate the company's commitment to maintaining discipline, safety, and compliance within the workplace. Should you require any additional information or have specific inquiries about any of these disciplinary actions, please feel free to communicate them to us. We are committed to ensuring transparency and cooperation throughout this process.

[CustomerService@AmericanTripoli.com](mailto:CustomerService@AmericanTripoli.com)

**Exhibit 20**

Exhibit P-43, Page 923



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24. Produce the documents reflecting any communications, including Microsoft Teams chats, text message, emails, to employees of Respondent at the MoSenecaMfr LLC dba American Tr mine regarding MSHA inspections and/or any MSHA inspectors.

**RESPONSE:** All communications related to MSHA inspections and interactions with MSHA inspectors have been consolidated into a comprehensive document labeled "ALL Communications regarding MSHA.pdf.", in folder labeled "Request for Documents 24". This document contains a thorough record of all communications, including Microsoft Teams chats, text messages, and emails exchanged between employees of Respondent at the MoSenecaMfr LLC dba American Tr mine concerning MSHA inspections and interactions with MSHA inspectors.

By consolidating these communications into a single document, we aim to provide a complete and organized account of our interactions with MSHA and MSHA inspectors. This approach is intended to streamline the document production process and ensure clarity in our responses.

If you have any specific questions or need further information regarding these communications, please do not hesitate to contact us. We are committed to transparency and open communication throughout this process.

If you have any additional requests or require further documents related to this matter, please feel free to specify your needs, and we will do our best to accommodate them. Your understanding and cooperation in this matter are greatly appreciated.

25. Produce the documents discussing Robert Baumann's termination.

**RESPONSE:** We appreciate your request. We want to clarify that discussions related to Mr. Baumann's termination primarily took place in person or during video calls, which may not have generated electronic records.

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Should you need further clarification or additional information, please feel free to contact us, and we will do our best to assist.

26. Produce the documents you intend to use at the hearing in this matter.

**RESPONSE:** We are fully committed to complying with our legal obligations and cooperating in the discovery process. As such, we are providing all relevant documents and will promptly provide any additional relevant documents as they become available and maintain open communication with your team. If you require specific documents or have further inquiries related to this request, please do not hesitate to reach out to us for clarification and assistance.

### **REQUESTS FOR ADMISSION**

1. Admit that the MOSenecaMfr LLC dba American Tr mine is a mine as defined in Section 3(h) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 802(h).

**ANSWER:** Admit. The operator acknowledges that the MOSenecaMfr LLC dba American Tr mine falls within the definition of a mine as provided in the Mine Act. This acknowledgment is consistent with the operator's understanding of its activities and operations. However, this admission should not be construed as an admission of liability or wrongdoing with respect to the allegations in this case. The operator maintains that its operations have consistently aimed to comply with the Mine Act and relevant regulations, ensuring the safety and well-being of its workforce.

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2. Admit that the products of the MOSenecaMfr LLC dba American Tr mine enter commerce or the operations or products thereof affect commerce within the meaning and scope of the Federal Mine Safety and Health Act of 1977.

**ANSWER:** Admit. The operator acknowledges that, in the ordinary course of its mining operations, its products may be intended for commercial use or distribution, and as such, they have the potential to enter or affect commerce. However, this acknowledgment should not be construed as an admission of liability or wrongdoing with respect to the allegations in this case. The operator maintains that its operations have consistently aimed to comply with the Mine Act and relevant regulations, ensuring the safety and well-being of its workforce and the quality of its products.

3. Admit that MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli is the operator of the MOSenecaMfr LLC dba American Tr mine and was the operator of the mine from at least June 1, 2022 through April 17, 2023.

**ANSWER:** Admit. MOSenecaManufacturer Limited Liability Company d/b/a American Tripoli, herein referred to as 'the operator,' is the entity responsible for the operation of the MOSenecaMfr LLC dba American Tr mine. The operator acknowledges that it assumed the role of the mine operator at the specified mine location, and this responsibility was held from at least June 1, 2022, through April 17, 2023.

While the operator admits to its role as the mine operator during the specified time frame, it is important to clarify that this acknowledgment does not constitute an admission of liability or wrongdoing with respect to the allegations contained within the case. The operator is committed to maintaining a safe and compliant workplace for its employees and remains steadfast in its position that the actions taken during this period were in accordance with applicable regulations and without any intent to discriminate or infringe upon the rights of miners.

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4. Admit that while Robert Baumann was employed by Respondent at the MOSenecaMfr LLC dba American Tr mine he was a “miner” as defined in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g).

**ANSWER:** Admit. While Robert Baumann was employed by Respondent at the MOSenecaMfr LLC dba American Tr mine, he met the criteria to be considered a 'miner' under the definition provided in Section 3(g) of the Mine Act, 30 U.S.C. § 802(g). The operator acknowledges that Mr. Baumann was an employee involved in mining operations at the specified mine location during the relevant timeframe.

It is essential to clarify that the acknowledgment of Mr. Baumann's status as a 'miner' does not alter the operator's position that the actions taken regarding his employment were based on performance issues and not related to any form of discrimination or interference with miner's rights. The operator remains committed to providing a safe and compliant workplace for all its employees, including those meeting the definition of a 'miner' under the Mine Act.

5. Admit that Robert Baumann served as a representative of miners at the MOSenecaMfr LLC dba American Tr mine from March 21, 2023 through April 17, 2023.

**ANSWER:** Deny. The mine operator was not made aware of Robert Baumann serving as a representative of miners at the MOSenecaMfr LLC dba American Tr mine from March 21, 2023, through April 17, 2023. To the best of our knowledge and records, no formal notification or communication regarding Mr. Baumann's representation of miners was received by the mine operator during the specified period.

The mine operator is committed to adhering to all relevant regulations and compliance requirements under the Mine Act, including those pertaining to miner's representatives. In the absence of formal notice or awareness of Mr. Baumann's role as a representative of miners, the operator was unable to address any concerns or considerations related to his representation.

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It is crucial to clarify that the mine operator is dedicated to maintaining a safe working environment and complying with all applicable legal obligations. We welcome a comprehensive review of the facts and evidence related to Mr. Baumann's representation during the specified timeframe to ensure a just and equitable resolution.

6. Admit that the Federal Mine Safety and Health Review Commission has jurisdiction over this case under Section 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823.

**ANSWER:** Deny. The mine operator contests the assertion that the Federal Mine Safety and Health Review Commission (FMSHRC) has jurisdiction over this case under Section 105(c)(2) and 113 of the Mine Act, 30 U.S.C. §§ 815(c)(2), 823. The mine operator believes that the actions taken, including the dismissal of the miner, were solely based on performance issues and not discriminatory in nature. As such, it is our position that the circumstances of this case do not fall within the purview of the aforementioned statutory provisions.

The mine operator strongly maintains that the miner's dismissal was a result of legitimate performance-related concerns in accordance with the established company policies, the state of Missouri guidelines and not a violation of any miner's rights under the Mine Act. Therefore, we contend that the jurisdiction of the FMSHRC does not apply in this case. However, we are open to a thorough examination of the facts and circumstances surrounding this matter to arrive at a just resolution.

Russell Tidaback  
Managing Member  
American Tripoli  
Russell.Tidaback@americantripoli.com



## Dillingham, Michael E - MSHA

**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Wednesday, May 10, 2023 5:51 PM  
**To:** Dillingham, Michael E - MSHA  
**Cc:** John Spears; Jordan Tidaback; Russell Tidaback  
**Subject:** FW: Request for Information  
**Attachments:** Robert Baumann Termination Letter (1).pdf

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Hello Mr. Dillingham.

Following 29 CFR 2700.43 Answer., I didn't know if it needed to be on company letterhead or if an email response would suffice.

Respondent Answer:

Mr. Rob Baumann was terminated with cause; poor performance, lack of leadership skills, and failure to follow procedures and guidance given by his supervisor(s), as stated in the termination letter given to him at his last counseling session. (attached)

His work history performance does not correlate to any relatable discussions that we were made aware of between him and MSHA representatives. Plus, this isn't a one-time event/issue, and we have been working on his performance issues for many months.

Regarding "everyones pay" is covered in the Miners Rights and Responsibilities handbook, and every miner is paid accordingly.

We are unaware of any miner not receiving pay or having pay issues at this time.

I believe Mr. Baumann is simply striking out in anger, which is one reason why he was terminated.

**Russell Tidaback**  
Managing Member



**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Monday, May 8, 2023 11:45 AM  
**To:** Larkins, Adam S - MSHA <Larkins.Adam@DOL.GOV>  
**Cc:** John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Russell

## Dillingham, Michael E - MSHA

**From:** Russell Tidaback <RTidaback@deedyco.com>  
**Sent:** Sunday, May 14, 2023 12:43 PM  
**To:** Dillingham, Michael E - MSHA  
**Cc:** Boyd, Randall L. - MSHA; Larkins, Adam S - MSHA; West, David R - MSHA; John Spears; Jordan Tidaback; Russell Tidaback  
**Subject:** RE: Request for Information  
**Attachments:** Daily Safety Workplace Inspections Results.pdf; Leaving The Company section in the company employee handbook.pdf; MSHA requested TEAMS chat 1APR- 30APR23.pdf; MAR-APR 2023 ON-SHIFTS REPORT.pdf; 24APR2023 Rob Baumann MSHA discrimination report claim filed.pdf; Rob Baumann - Notes.pdf  
**Importance:** High

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Hello Mr. Dillingham.

So, we can efficiently and effectively assist you with this investigation, please follow up on the FIVE (5) questions below.

**1.** If MSHA Procedural rules 29 CFR states, "2700.43 Answer. Within 30 days after service of a discrimination complaint, the respondent shall file an answer responding to each allegation of the complaint." (<https://arlweb.msha.gov/SOLICITOR/FMSHRC/RULES/RULES.htm#43>) and according to the UPS tracking number, we received the packet Thursday, May 04 at 9:57 A.M. **Why are we being held to a different standard and not given the 30 days to file an answer responding to each allegation?**

**2.** Referring to your statement below, "From looking at the response it doesn't have any reprimands for Mr. Baumann to relate to the allegations we received ." The only allegation I see in the attached discrimination report is "terminated without cause" (24APR2023 Rob Baumann MSHA discrimination report claim filed.pdf). **Please elaborate on what allegations you have received?**

**3.** Referring to your statement below, "From looking at the response it doesn't have any reprimands for Mr. Baumann to relate to the allegations we received .", I have attached a copy of the employee notes journal (Rob Baumann - Notes.pdf) that I maintain on each employee. It will give you a timeline of the counseling and professional development conversations that I have personally had with Mr. Baumann and regarding Mr. Baumann with others. This information is above and beyond what you were asking for. We have worked with Mr. Baumann for many months trying to guide and mentor him. Also, attached (Leaving the Company section in the company employee handbook.pdf) is the section in our employee handbook discussing our progressive disciplined approach and outline the steps we will take to address associate misconduct. Mr. Baumann's termination had to do with his performance, the timing being at the end of pay period for payroll purposes, and successfully hiring a competent replacement. It is our statement that he was terminated with cause due to his poor performance. **Are you stating as an employer we are required to provide written reprimands to our miners?**

**4.** Referring to your statement below, "#4 is and Excel Spreadsheet, is there a company form that should be submitted also.", I don't see this as relevant to the allegation/complaint filed but we didn't see the need to give a written termination letter to Mr. Andrew Wasson as it was assumed during our last discussion with Mr. Wasson the police report of him being arrested on company property for damage and theft of company



property was sufficient enough termination cause. In reference to Mr. Baumann, his termination letter is in his provided HR file. **Is there a specific "company form" you are looking for?**

5. Referring to your statement below, "If you read the #6 request it is not the same as #3." Again, I do not see this as relevant to the allegation/complaint but the attached MAR-APR 2023 ON-SHIFT REPORT.pdf, is what we used for payroll purposes. **Is this what you are looking for?**

6. Referring to your statement below, "MSHA is requesting a copy of the On-shift workplace examinations whether it be a paper version or an electronic version." Again, I do not see this as relevant to the allegation/complaint but attached (Daily Safety Workplace Inspections Results.pdf) is the workplace examinations.

7. Referring to your statement below, "#8 specifically request for the Microsoft Teams correspondence whether it be a paper version or an electronic version." Please see the attached (MSHA requested Teams chat 1APR-30APR23.pdf). You will see numerous occasions where myself, Mr. Spears, and even Mr. Molesi have to communicate to the Mill associates about issues in the Mill where if Mr. Baumann was performing his duties successfully, we would not have had to communicate the information ourselves. Simple signs that he was not effectively managing his team, he didn't communicate effectively with anyone, he didn't give feedback, he didn't lead by example, and he didn't care about the development of his team. Every person we have hired in the mill has had something negative to say about Rob. A good example of this poor leadership is with Mr. Ronnell Fondren, during his short tenure with us, as you can see in the chat history, he struggled with Mr. Baumann's lack of leadership skills.

Please let me know if there is any additional information you need so we can work with you to diligently resolve this complaint/allegation.

**Russell Tidaback**  
Managing Member



**From:** Dillingham, Michael E - MSHA <Dillingham.Michael@DOL.GOV>

**Sent:** Friday, May 12, 2023 8:24 AM

**To:** Russell Tidaback <RTidaback@deedyco.com>

**Cc:** John Spears <John.Spears@americantripoli.com>; Jordan Tidaback <Jordan.Tidaback@deedyco.com>; Boyd, Randall L. - MSHA <Boyd.Randall@DOL.GOV>; Larkins, Adam S - MSHA <Larkins.Adam@DOL.GOV>; West, David R - MSHA <West.David@DOL.GOV>

**Subject:** RE: Request for Information

Thank you for your responses. From looking at the response it doesn't have any reprimands for Mr. Baumann to relate to the allegations we received. #4 is an Excel Spreadsheet, is there a company form that should be submitted also. If you read the #6 request it is not the same as #3. MSHA is requesting a copy of the On-shift workplace examinations whether it be a paper version or an electronic version. Also #7 request specifically request maintenance records whether



it be a paper version or an electronic version. #8 specifically request for the Microsoft Teams correspondence whether it be a paper version or an electronic version. These requests are specific to the ongoing 105 (c) investigation. Due to the nature of the case and the stringent timelines without compliance of these request impedes our investigation. Please submit these requests to the investigator promptly as we are working diligently to resolve. Thanks.

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Thursday, May 11, 2023 9:03 PM  
**To:** Dillingham, Michael E - MSHA <[Dillingham.Michael@DOL.GOV](mailto:Dillingham.Michael@DOL.GOV)>  
**Cc:** John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Subject:** RE: Request for Information

**CAUTION:** This email originated from outside of the Department of Labor. Do not click (select) links or open attachments unless you recognize the sender and know the content is safe. Report suspicious emails through the "Report Phishing" button on your email toolbar.

Hello Mr. Dillingham,

Attached are 1., 2., 4., and 5. of the list of items you are requesting.

3. We don't have different shifts other than our operating hours, 8am-430 pm.

6. This is the same as #3.

7. At this time, our maintenance crew is new and we havent implemented a Maintenance Management System.

8. Any web site maintenance is handled off site by a Microsoft contractor. Employees have access to the employee handbook via the website.

9. Russell Tidaback

**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Sent:** Wednesday, May 10, 2023 5:51 PM  
**To:** [dillingham.michael@dol.gov](mailto:dillingham.michael@dol.gov)  
**Cc:** John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[Jordan.Tidaback@deedyco.com](mailto:Jordan.Tidaback@deedyco.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>  
**Subject:** FW: Request for Information

Hello Mr. Dillingham.

Following 29 CFR 2700.43 Answer., I didn't know if it needed to be on company letterhead or if an email response would suffice.

Respondent Answer:

Mr. Rob Baumann was terminated with cause; poor performance, lack of leadership skills, and failure to follow procedures and guidance given by his supervisor(s), as stated in the termination letter given to him at his last counseling session. (attached)

His work history performance does not correlate to any relatable discussions that we were made aware of between him and MSHA representatives. Plus, this isn't a one-time event/issue, and we have been working on his performance issues for many months.

Regarding "everyones pay" is covered in the Miners Rights and Responsibilities handbook, and every miner is paid accordingly.

We are unaware of any miner not receiving pay or having pay issues at this time.

I believe Mr. Baumann is simply striking out in anger, which is one reason why he was terminated.

**Russell Tidaback**

Managing Member



**From:** Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Sent:** Monday, May 8, 2023 11:45 AM

**To:** Larkins, Adam S - MSHA <[Larkins.Adam@DOL.GOV](mailto:Larkins.Adam@DOL.GOV)>

**Cc:** John Spears <[John.Spears@americantripoli.com](mailto:John.Spears@americantripoli.com)>; Jordan Tidaback <[jordan.Tidaback@deedyco.com](mailto:jordan.Tidaback@deedyco.com)>; Russell Tidaback <[RTidaback@deedyco.com](mailto:RTidaback@deedyco.com)>

**Subject:** RE: Request for Information

Hello Mr. Larkins.

Following 29 CFR 2700.43 Answer., I didn't know if it needed to be on company letterhead or if an email response would suffice.

Respondent Answer:

Mr. Rob Baumann was terminated with cause; poor performance, lack of leadership skills, and failure to follow procedures and guidance given by his supervisor(s), as stated in the termination letter given to him at his last counseling session. (attached)

His work history performance does not correlate to any relatable discussions that we were made aware of between him and MSHA representatives. Plus, this isn't a one-time event/issue, and we have been working on his performance issues for many months.

Regarding "everyones pay" is covered in the Miners Rights and Responsibilities handbook, and every miner is paid accordingly.

We are unaware of any miner not receiving pay or having pay issues at this time.

I believe Mr. Baumann is simply striking out in anger, which is one reason why he was terminated.

**Russell Tidaback**

Managing Member



# AMERICAN TRIPOLI

**Mailing Address:** 2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:** 5 Oneida Street, Seneca,  
MO 64865

April 17, 2023, 9:00 AM

Dear Robert Baumann,

I regret to inform you that your employment with American Tripoli will be terminated effective immediately due to poor performance, lack of leadership skills, and for failure to follow procedures and guidance given by your supervisor.

We have made several attempts to address these issues with you through coaching, feedback sessions and open communication channels, but unfortunately, we have not seen any improvement in your performance and the data reflects this.

Please note that you will receive your final paycheck, as scheduled, on the upcoming pay date, which will include any accrued benefits owed to you.

I am very disappointed that this opportunity did not work out as I had high hopes for you.

If you have any questions or concerns about this decision, please do not hesitate to contact me.

Sincerely,

*Russell Tidaback*

Russell Tidaback  
Managing Member  
American Tripoli

Ccd:  
John Spears  
Operations Manager  
American Tripoli





# AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865

TEL.NO.+1.417.776.2216

EMAIL: Info@AmericanTripoli.com

To: Camrin Bindel  
From: Christine Schreiber  
Date prepared: 06/06/2022  
Letter of Termination

This letter is formal documentation of the poor performance you have exhibited on the job leading to termination. Your work, despite the encouragement and guidance given, is not improving.

We have expressed on numerous occasions that we are a collaborative and teamwork-based company. As part of this collaborative and teamwork-based environment, it is the management team's responsibility to provide tasking/responsibility direction and assistance and then to hold associates accountable for the tasks/responsibilities given. We strive to create a healthy, positive environment and do everything we can to help you succeed.

Specific areas of complaint include:

- Not finishing tasks in a timely manner
- Talking back when directions are given
- Spending extended periods of time in your supervisor's office despite signage stating not to and being told not to multiple times
- Looking through your supervisor's computer when he was not present, and permission was not given
- Using a pair of needle-nose pliers to stab other employees' legs while they were in the restroom
- Harassing other employees to look through their phones to see if they said negative comments about you
- Asking your supervisor to look through his phone to see if he said negative comments about you

Your termination is effective immediately due to your behavior. Your behavior continues to happen despite several warnings, including a written warning given via message from Russell Tidaback on 05/31/2022.

Signature:

Manager Name:

Christine Schreiber

Date:

6/7/22

## Acknowledgment of Receipt

I acknowledge that I have received this written termination. My acknowledgment does not mean that I agree with its contents. I understand that you will place a copy of this letter in my official personnel file.

Signature:

Associate Name:

refused to sign

Date:

6/7/22

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 11-4-2022

Dear Mr. Carson Allman,

Re: Termination of Employment

It is with deep regret that I must inform you that your employment with American Tripoli is terminated, effective 11/4/2022, in accordance with our standard employee practices and after careful consideration by the management team.

Over the past few months, your performance has been closely monitored, and it has been observed that you have consistently failed to meet the standards and expectations set forth by the company. We have had multiple discussions and interventions to address various concerns related to your conduct and performance. Specifically, we have discussed your failure to communicate your intentions effectively, particularly in relation to production matters within the mill. These concerns encompass actions such as leaving your workstation without authorization, leaving company property without notice, and neglecting planned maintenance tasks, among others.

It is essential to highlight that you were provided with numerous opportunities and guidance to rectify these issues, as our standard of conduct and disciplinary process is designed to be a fair and progressive system. This process consists of three steps:

1. Verbal Warning: As a first step, employees are provided with a verbal warning to address any behavioral or performance issues. This serves as an initial opportunity to understand and rectify the concerns raised.
2. Written Warning Letter: Following the initial verbal warning, if the issues persist, a written warning letter is issued to formally document the concerns and expectations. This step is intended to emphasize the seriousness of the situation and to provide clear guidance on the necessary improvements.
3. Termination: Regrettably, despite the verbal and written warnings provided and the numerous opportunities for improvement, your actions and conduct have not met the company's expectations. As a result, we are left with no alternative but to proceed with your termination, effective 11/4/2022.

Please be aware that this decision is not taken lightly, and it is made in the best interest of the company and its employees. We genuinely regret that it has come to this point and sincerely hope that you will find success in your future endeavors.

You are required to return all company property, keys, hardhat, and any other company materials or equipment in your possession by 11/4/2022. Your final paycheck, including any accrued but unused PTO days, will be provided to you as per our standard payroll schedule.

If you have any questions or need clarification regarding the termination process or any related matters, please do not hesitate to contact me.

Sincerely,

John Spears  
Operations Manager

Note: One copy of this letter given to employee and one copy placed in employee personal HR file.

Page **Exhibit 25**

Exhibit P-43, Page 936

**Mailing Address:**

2701 East Grauwlyer Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 10-29-2022

Dear Mr. Jessie Hodge,

Re: Termination of Employment

It is with deep regret that I must inform you that your employment with American Tripoli is terminated, effective 10/30/2022, in accordance with our standard employee practices and after careful consideration by the management team.

Over the past few months, your performance has been closely monitored, and it has been observed that you have consistently failed to meet the standards and expectations set forth by the company. We have had multiple discussions and interventions to address various concerns related to your conduct and performance. Specifically, we have discussed your failure to communicate your intentions effectively, particularly in relation to production matters within the mill. These concerns encompass actions such as leaving your workstation without authorization, leaving company property without notice, and neglecting planned maintenance tasks, among others.

It is essential to highlight that you were provided with numerous opportunities and guidance to rectify these issues, as our standard of conduct and disciplinary process is designed to be a fair and progressive system. This process consists of three steps:

1. Verbal Warning: As a first step, employees are provided with a verbal warning to address any behavioral or performance issues. This serves as an initial opportunity to understand and rectify the concerns raised.
2. Written Warning Letter: Following the initial verbal warning, if the issues persist, a written warning letter is issued to formally document the concerns and expectations. This step is intended to emphasize the seriousness of the situation and to provide clear guidance on the necessary improvements.
3. Termination: Regrettably, despite the verbal and written warnings provided and the numerous opportunities for improvement, your actions and conduct have not met the company's expectations. As a result, we are left with no alternative but to proceed with your termination, effective 10/30/2022.

Please be aware that this decision is not taken lightly, and it is made in the best interest of the company and its employees. We genuinely regret that it has come to this point and sincerely hope that you will find success in your future endeavors.

You are required to return all company property, keys, hardhat, and any other company materials or equipment in your possession by 10/30/2022. Your final paycheck, including any accrued but unused PTO days, will be provided to you as per our standard payroll schedule.

If you have any questions or need clarification regarding the termination process or any related matters, please do not hesitate to contact me.

Sincerely,

John Spears  
Operations Manager

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page **Exhibit 25**

Exhibit P-43, Page 937

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 11-4-2022

Dear Mr. Terry Newborn,

Re: Termination of Employment

It is with deep regret that I must inform you that your employment with American Tripoli is terminated, effective 11/4/2022, in accordance with our standard employee practices and after careful consideration by the management team.

Over the past few months, your performance has been closely monitored, and it has been observed that you have consistently failed to meet the standards and expectations set forth by the company. We have had multiple discussions and interventions to address various concerns related to your conduct and performance. Specifically, we have discussed your failure to communicate your intentions effectively, particularly in relation to production matters within the mill. These concerns encompass actions such as leaving your workstation without authorization, leaving company property without notice, and neglecting planned maintenance tasks, among others.

It is essential to highlight that you were provided with numerous opportunities and guidance to rectify these issues, as our standard of conduct and disciplinary process is designed to be a fair and progressive system. This process consists of three steps:

1. Verbal Warning: As a first step, employees are provided with a verbal warning to address any behavioral or performance issues. This serves as an initial opportunity to understand and rectify the concerns raised.
2. Written Warning Letter: Following the initial verbal warning, if the issues persist, a written warning letter is issued to formally document the concerns and expectations. This step is intended to emphasize the seriousness of the situation and to provide clear guidance on the necessary improvements.
3. Termination: Regrettably, despite the verbal and written warnings provided and the numerous opportunities for improvement, your actions and conduct have not met the company's expectations. As a result, we are left with no alternative but to proceed with your termination, effective 11/4/2022.

Please be aware that this decision is not taken lightly, and it is made in the best interest of the company and its employees. We genuinely regret that it has come to this point and sincerely hope that you will find success in your future endeavors.

You are required to return all company property, keys, hardhat, and any other company materials or equipment in your possession by 11/4/2022. Your final paycheck, including any accrued but unused PTO days, will be provided to you as per our standard payroll schedule.

If you have any questions or need clarification regarding the termination process or any related matters, please do not hesitate to contact me.

Sincerely,

John Spears  
Operations Manager

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page **Exhibit 25**

Exhibit P-43, Page 938

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 8-30-2023

Dear Mr. Ryan Closser,

Re: Termination of Employment

It is with deep regret that I must inform you that your employment with American Tripoli is terminated, effective 8/30/2023, in accordance with our standard employee practices and after careful consideration by the management team.

Over the past few months, your performance has been closely monitored, and it has been observed that you have consistently failed to meet the standards and expectations set forth by the company. We have had multiple discussions and interventions to address various concerns related to your conduct and performance. Specifically, we have discussed your failure to communicate your intentions effectively, particularly in relation to production matters within the mill. These concerns encompass actions such as leaving your workstation without authorization, leaving company property without notice, and neglecting planned maintenance tasks, among others.

It is essential to highlight that you were provided with numerous opportunities and guidance to rectify these issues, as our standard of conduct and disciplinary process is designed to be a fair and progressive system. This process consists of three steps:

1. Verbal Warning: As a first step, employees are provided with a verbal warning to address any behavioral or performance issues. This serves as an initial opportunity to understand and rectify the concerns raised.
2. Written Warning Letter: Following the initial verbal warning, if the issues persist, a written warning letter is issued to formally document the concerns and expectations. This step is intended to emphasize the seriousness of the situation and to provide clear guidance on the necessary improvements.
3. Termination: Regrettably, despite the verbal and written warnings provided and the numerous opportunities for improvement, your actions and conduct have not met the company's expectations. As a result, we are left with no alternative but to proceed with your termination, effective 8/30/2023.

Please be aware that this decision is not taken lightly, and it is made in the best interest of the company and its employees. We genuinely regret that it has come to this point and sincerely hope that you will find success in your future endeavors.

You are required to return all company property, keys, hardhat, and any other company materials or equipment in your possession by 8/30/2023. Your final paycheck, including any accrued but unused PTO days, will be provided to you as per our standard payroll schedule.

If you have any questions or need clarification regarding the termination process or any related matters, please do not hesitate to contact me.

Sincerely,

John Spears  
Operations Manager

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page **Exhibit 25**

Exhibit P-43, Page 939



**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 9-14-2023

Dear Mr. Jim Hoover,

Re: Termination of Employment

It is with deep regret that I must inform you that your employment with American Tripoli is terminated, effective 9/14/2023, in accordance with our standard employee practices and after careful consideration by the management team.

Over the past few months, your performance has been closely monitored, and it has been observed that you have consistently failed to meet the standards and expectations set forth by the company. We have had multiple discussions and interventions to address various concerns related to your conduct and performance. Specifically, we have discussed your failure to communicate your intentions effectively, particularly in relation to production matters within the mill. These concerns encompass actions such as leaving your workstation without authorization, leaving company property without notice, and neglecting planned maintenance tasks, among others.

It is essential to highlight that you were provided with numerous opportunities and guidance to rectify these issues, as our standard of conduct and disciplinary process is designed to be a fair and progressive system. This process consists of three steps:

1. Verbal Warning: As a first step, employees are provided with a verbal warning to address any behavioral or performance issues. This serves as an initial opportunity to understand and rectify the concerns raised.
2. Written Warning Letter: Following the initial verbal warning, if the issues persist, a written warning letter is issued to formally document the concerns and expectations. This step is intended to emphasize the seriousness of the situation and to provide clear guidance on the necessary improvements.
3. Termination: Regrettably, despite the verbal and written warnings provided and the numerous opportunities for improvement, your actions and conduct have not met the company's expectations. As a result, we are left with no alternative but to proceed with your termination, effective 9/14/2023.

Please be aware that this decision is not taken lightly, and it is made in the best interest of the company and its employees. We genuinely regret that it has come to this point and sincerely hope that you will find success in your future endeavors.

You are required to return all company property, keys, hardhat, PAPR, half-mask, and any other company materials or equipment in your possession by 9/14/2023. Your final paycheck, including any accrued but unused PTO days, will be provided to you as per our standard payroll schedule.

If you have any questions or need clarification regarding the termination process or any related matters, please do not hesitate to contact me.

Sincerely,

John Spears  
Operations Manager

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page **Exhibit 25**

Exhibit P-43, Page 940



**AMERICAN TRIPOLI**  
P.O. BOX 489 – SENECA, MISSOURI 64865  
TEL.NO.+1.417.776.2216  
EMAIL: Info@AmericanTripoli.com

To: Jena Turner  
From: Russell Tidaback  
Date: April 26, 2022  
Re: Letter of Reprimand

This letter is a formal reprimand for the performance you have exhibited on the job. Your work, despite encouragement and guidance given, is not improving. In the employee hand book it outlines the 3-step progressive discipline process.

We have expressed on numerous occasions that we are a collaborative and team work based company. As part of this collaborative and team work based environment it is the management teams responsibility to provide tasking/responsibility direction and assistance and then to hold employees accountable for the tasks/responsibilities given. We strive to create a healthy, positive environment and do everything we can to help you succeed.

When your manager, or one of the company owners, specifically task you with something you need to ensure the task(s) are completed efficiently and effectively in a timely manner. We will address a few instances where this type of incident has come up.

- The natural gas contract. You were tasked to reach out to vendors and when asked the status you stated you hadn't heard anything and would follow up. This occurred numerous times. We eventually had to resolve this tasking at the management level.

- Having Teams on your phone for collaboration. This has been an ongoing issue since October. The last response from you when inquired is that you just didn't want to as it caused you to check it all the time. Having Teams on your phone and being collaborative is part of the job responsibilities and team work.

- Preparing the smaller retail bags for inventory. This was asked of you for more than a month. We had to do this at the management level to get it done.

- Taking the provided company laptop home with you each evening. We have been discussing the purpose of taking the company laptop home each evening since June 2021. Now that the company has provided a laptop, when asked why you are not taking the laptop home each night, the response from you was that you just didn't want to.

All of these incidents are taken as either not understanding the company hierarchy, tasks and responsibilities, what being a team player is, or blatant disrespect.

You have approximately thirty days, although if we don't see early progress, you will not get the full thirty days, to demonstrate that you can perform this job, effectively complete the tasks given, and participate as a company team player. If you don't demonstrate immediate progress, we will terminate your employment.

We will place a copy of this formal, written reprimand in your personnel file in Human Resources.





**AMERICAN TRIPOLI**  
P.O. BOX 489 – SENECA, MISSOURI 64865  
TEL.NO.+1.417.776.2216  
EMAIL: Info@AmericanTripoli.com

Please take this advice seriously as our preference is always to see employees succeed.

Signature:

Supervisor Name: Russell Tidaback (Owner)

Date: 26APR2022

#### Acknowledgment of Receipt

I acknowledge that I have received this written reprimand. My acknowledgment does not mean that I agree with its contents. I understand that you will place a copy of this reprimand in my official personnel file. I also acknowledge that I have the right to prepare a written response that you will attach to the original letter of reprimand.

Signature:

Employee Name: Jena Turner

Date:

4/26/22



## AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865

TEL.NO.+1.417.776.2216

EMAIL: Info@AmericanTripoli.com

To: Camrin Bindel  
From: Christine Schreiber  
Date prepared: 06/06/2022  
Letter of Termination

This letter is formal documentation of the poor performance you have exhibited on the job leading to termination. Your work, despite the encouragement and guidance given, is not improving.

We have expressed on numerous occasions that we are a collaborative and teamwork-based company. As part of this collaborative and teamwork-based environment, it is the management team's responsibility to provide tasking/responsibility direction and assistance and then to hold associates accountable for the tasks/responsibilities given. We strive to create a healthy, positive environment and do everything we can to help you succeed.

Specific areas of complaint include:

- Not finishing tasks in a timely manner
- Talking back when directions are given
- Spending extended periods of time in your supervisor's office despite signage stating not to and being told not to multiple times
- Looking through your supervisor's computer when he was not present, and permission was not given
- Using a pair of needle-nose pliers to stab other employees' legs while they were in the restroom
- Harassing other employees to look through their phones to see if they said negative comments about you
- Asking your supervisor to look through his phone to see if he said negative comments about you

Your termination is effective immediately due to your behavior. Your behavior continues to happen despite several warnings, including a written warning given via message from Russell Tidaback on 05/31/2022.

Signature:

Manager Name:

Christine Schreiber

Date:

6/7/22

### Acknowledgment of Receipt

I acknowledge that I have received this written termination. My acknowledgment does not mean that I agree with its contents. I understand that you will place a copy of this letter in my official personnel file.

Signature:

Associate Name:

refused to sign

Date:

6/7/22



## AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865

TEL.NO.+1.417.776.2216

EMAIL: Info@AmericanTripoli.com

Camrin Bindle  
Mill Associate  
201 N. Vine St.  
Commerce, OK 74339

Date: 6/7/2022

Dear Camrin Bindel,

This is regarding your resignation notice on 6/7/2022 wherein you requested to be relived of your services immediately. We want to inform you that your resignation is accepted, and you're relieved from your position as Mill Associate with American Tripoli with the effective date 6/7/2022.

We sincerely appreciate your contributions to American Tripoli for the following time period 3/28/2022 – 6/7/2022. To receive a professional recommendation will require a more personal relationship with someone within the company.

Respectfully,

Christine Schreiber  
Operations Manager



# AMERICAN TRIPOLI

SENECA STANDARD

To: Carson Allman

From: John Spears

Date: 13OCT2022

RE: Letter of Reprimand

This letter is to inform you that your performance is not meeting the expected requirements for your position as a maintenance technician. We're concerned and want to see you succeed.

You are officially failing to perform for the following reason(s):

- Understand the priority of maintenance needs for production
- Complying with responding to maintenance calls
- Demonstrating lack of sense of urgency
- Demonstrating lack of maintenance experience as represented on resume

Based on position description, role discussions, verbal, and written communications, you are failing to meet the performance measurements for your role. These performance requirements affect not only the success of American Tripoli's operations but also the success of our customer which rely on our products to be produced and delivered so they can support their employees and customers.

As a result, If we do not see improvements immediately, additional disciplinary action will occur up to and including termination of employment. This letter will be added to your personnel file.

What can we do to support you in your role? Comment below.

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John Spears - Operations Manager

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Carson Allman - Maintenance Technician

Comments:

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**Mailing Address:**

2701 East Grauwlyer Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

To: **PATRICK LEWIS**  
From: **JOHN SPEARS, RUSSELL TIDBACK**  
Date: **5/12/2023**

Re: Letter of Reprimand for performance **ATTENTION** **4/21/2023 5/8/2023**  
**4/27/2023 5/9/2023**

This letter is an official written reprimand for your failure to perform the functions of your mill associate position appropriately. Your consistency and dependability are a problem when we are trying to fill customer orders. We can't count on you to do your part.

You have received verbal counseling before this letter. There is a daily performance production goal and tasks that must be completed by you. By not following the instructions and guidance given by your supervisor or a teammate placed in position to make things happen you are jeopardizing operations and the safety of all. This cannot be tolerated.

You have approximately two weeks, although if we don't see early progress, you will not get the full two weeks, to demonstrate that you are fully trying to improve on your performance of this job. If you don't demonstrate immediate progress, we will be forced to terminate your employment. We do not want this.

Please take this advice seriously as our preference is always to have you succeed and be happy while at work.

We will place a copy of this formal, written reprimand in your personnel file.

Signature: **John Spears**  
Supervisor Name: **JOHN SPEARS**  
Date: **5/12/2023**

**Acknowledgement of Receipt:**

I acknowledge that I have received this written reprimand. My acknowledgement does not mean that I agree with its contents. I understand that you will place a copy of this reprimand in my official personnel file. I also acknowledge that I have the right to prepare a written response that you will attach to the original letter of reprimand, if I chose to do so.

Signature: **Patrick Lewis**  
Employee Name: **PATRICK LEWIS**  
Date: **5/12/2023**



**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414

**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

To: RJ WILLIAMS  
From: JOHN SPEARS, RUSSELL TIDBACK  
Date: 5/10/2023

Re: Letter of Reprimand for performance & ATTENDANCE

This letter is an official written reprimand for your failure to perform the functions of your mill associate position appropriately. Your consistency and dependability are a problem when we are trying to fill customer orders. We can't count on you to do your part.

You have received verbal counseling before this letter. There is a daily performance production goal and tasks that must be completed by you. By not following the instructions and guidance given by your supervisor or a teammate placed in position to make things happen you are jeopardizing operations and the safety of all. This cannot be tolerated.

You have approximately two weeks, although if we don't see early progress, you will not get the full two weeks, to demonstrate that you are fully trying to improve on your performance of this job. If you don't demonstrate immediate progress, we will be forced to terminate your employment. We do not want this.

Please take this advice seriously as our preference is always to have you succeed and be happy while at work.

We will place a copy of this formal, written reprimand in your personnel file.

Signature: John Spears  
Supervisor Name: JOHN SPEARS  
Date: 5/10/2023

**Acknowledgement of Receipt:**

I acknowledge that I have received this written reprimand. My acknowledgement does not mean that I agree with its contents. I understand that you will place a copy of this reprimand in my official personnel file. I also acknowledge that I have the right to prepare a written response that you will attach to the original letter of reprimand, if I chose to do so.

Signature: [Signature]  
Employee Name:  
Date: 5/10/2023



**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 7-17-2023

To: Jim Hoover

From: John Spears, Operations Manager

Re: Failure to communicate and follow planned instructions

Dear Jim Hoover,

This is a warning letter that your failure to adhere to Standard Communication practices and planned instructions will no longer be tolerated. The management team has been closely monitoring your performance over the past few months and it has been concluded that you have failed to meet the standards expected of you.

In our last meeting you and I discussed your failure to communicate your intentions as they pertain to production in the mill. These include leaving your work station, leaving company property, not following planned maintenance, et al. You were also informed that due to frequent absenteeism, you are unable to manage the workload and as a result, you are unable to meet the standards. Considering your situation, you were numerous opportunities to correct these actions which has caused serious loss to the company and still the production was behind schedule.

You must understand that this kind of poor performance adversely affects the company and individual employee performance affects the company financially.

Reminder, our standard of conduct and disciplinary process is a 3-step process. 1<sup>st</sup> offense is a verbal warning. The 2<sup>nd</sup> offense is a written warning letter and the 3<sup>rd</sup> offense is termination.

We are hopeful that you will be more sincere and dedicated in your job and will meet all your standards within the given time frame or else we will have to the next step disciplinary actions. You will have 10 business days to correct the unsatisfactory performance noted in this letter. If you fail to improve despite everything then this can even lead to your termination. In case, you have any doubts on being able to complete your taskings within the standards then please let me know.

John Spears  
Operations Manager  
American Tripoli

I Agree / Disagree (Circle one) with the issue as state above and agreeing to remediate the behavior as stated above. If I disagree with the statement above, I will provide a written statement to the Operations Manager before the close of the next business day. This written statement can be on the back side of this letter.

Jim Hoover / Date signed

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page 1 of 1

CustomerService@AmericanTripoli.com

**Exhibit 26**

Exhibit P-43, Page 948

**Mailing Address:**

2701 East Grauwlyer Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 7-17-2023

To: Raneldon Williams

From: John Spears, Operations Manager

Re: Failure to communicate and follow planned instructions

Dear Raneldon Williams,

This is a warning letter that your failure to adhere to Standard Communication practices and planned instructions will no longer be tolerated. The management team has been closely monitoring your performance over the past few months and it has been concluded that you have failed to meet the standards expected of you.

Last week, you had stated that were not going to perform the tasks as asked due to you not getting paid a maintenance wage. The taskings of your position include assisting maintenance. You are not trained or experience to perform maintenance tasks alone or without instruction and supervision from a maintenance team member. Failure to comply with directions from your supervisor is a dereliction of duty and will not be tolerated. Also you and I discussed your failure to communicate your intentions as they pertain to production in the mill. These include leaving your work station, leaving company property, et al. You were also informed that due to frequent tardiness and or absenteeism, you are unable to manage the workload and as a result, you are unable to meet the standards. Considering your situation, you were numerous opportunities to correct these actions.

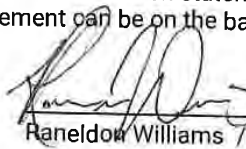
You must understand that this kind of poor performance adversely affects the company and individual employee performance affects the company financially.

Reminder, our standard of conduct and disciplinary process is a 3-step process. 1<sup>st</sup> offense is a verbal warning. The 2<sup>nd</sup> offense is a written warning letter and the 3<sup>rd</sup> offense is termination.

We are hopeful that you will be more sincere and dedicated in your job and will meet all your standards within the given time frame or else we will have to the next step disciplinary actions. You will have 10 business days to correct the unsatisfactory performance noted in this letter. If you fail to improve despite everything then this can even lead to your termination. In case, you have any doubts on being able to complete your taskings within the standards then please let me know.

\_\_\_\_\_  
John Spears  
Operations Manager  
American Tripoli

I Agree / Disagree (Circle one) with the issue as state above and agreeing to remediate the behavior as stated above. If I disagree with the statement above, I will provide a written statement to the Operations Manager before the close of the next business day. This written statement can be on the back side of this letter.

 7-19-23  
Raneldon Williams / Date signed

Note: One copy of this letter given to employee and one copy place in employee personal HR file

Page 1 of 1

CustomerService@AmericanTripoli.com

**Exhibit 26**

Exhibit P-43, Page 949

**Mailing Address:**

2701 East Grauwylar Road, Bldg 1,  
Dept# 1008, Irving, TX 75061-3414



**Shipping/Receiving Address:**

5 Oneida Street,  
Seneca, MO 64865  
Office (239) 829-5457

Date: 7-17-2023

To: Patrick Lewis

From: John Spears, Operations Manager

Re: Failure to communicate and follow planned instructions

Dear Patrick Lewis,

This is a warning letter that your failure to adhere to Standard Communication practices and planned instructions will no longer be tolerated. The management team has been closely monitoring your performance over the past few months and it has been concluded that you have failed to meet the standards expected of you.

Last week, you had stated that were not going to perform the tasks as asked due to you not getting paid a maintenance wage. The taskings of your position include assisting maintenance. You are not trained or experience to perform maintenance tasks alone or without instruction and supervision from a maintenance team member. Failure to comply with directions from your supervisor is a dereliction of duty and will not be tolerated. Also you and I discussed your failure to communicate your intentions as they pertain to production in the mill. These include leaving your work station, leaving company property, et al. You were also informed that due to frequent tardiness and or absenteeism, you are unable to manage the workload and as a result, you are unable to meet the standards. Considering your situation, you were numerous opportunities to correct these actions.


You must understand that this kind of poor performance adversely affects the company and individual employee performance affects the company financially.

Reminder, our standard of conduct and disciplinary process is a 3-step process. 1<sup>st</sup> offense is a verbal warning. The 2<sup>nd</sup> offense is a written warning letter and the 3<sup>rd</sup> offense is termination.

We are hopeful that you will be more sincere and dedicated in your job and will meet all your standards within the given time frame or else we will have to the next step disciplinary actions. You will have 10 business days to correct the unsatisfactory performance noted in this letter. If you fail to improve despite everything then this can even lead to your termination. In case, you have any doubts on being able to complete your taskings within the standards then please let me know.

  
John Spears  
Operations Manager  
American Tripoli

I Agree / Disagree (Circle one) with the issue as state above and agreeing to remediate the behavior as stated above. If I disagree with the statement above, I will provide a written statement to the Operations Manager before the close of the next business day. This written statement can be on the back side of this letter.

  
Patrick Lewis / Date signed

Note: One copy of this letter given to employee and one copy place in employee personal HR file.

Page 1 of 1

CustomerService@AmericanTripoli.com

**Exhibit 26**

Exhibit P-43, Page 950



Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1749473      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting:      04/02/2023  
Period Ending:      04/15/2023  
Pay Date:      04/21/2023

Taxable Marital Status:      Single  
Exemptions/Allowances:      Tax Override:  
Federal:      0      Federal:  
State:      0      State:  
Local:      0      Local:  
Social Security Number:      XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	71.00	1420.00	12160.00
Personal	20.0000	9.56	191.20	431.20
<b>Gross Pay</b>			<b>\$1,611.20</b>	\$12,591.20
<b>Statutory Deductions</b>				
			<b>this period</b>	<b>year to date</b>
Federal Income			-160.65	1249.42
Social Security			-99.89	780.65
Medicare			-23.36	182.57
Missouri State Income			-46.00	356.00
<b>Net Pay</b>			<b>\$1,281.30</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	24.64
- Taken Hours	9.56	21.56
- Balance		3.08
Total Hours Worked	71.00	608.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1281.30

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,611.20

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date:      04/21/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1281.30

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1704997      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 03/19/2023  
Period Ending: 04/01/2023  
Pay Date: 04/07/2023

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	73.00	1460.00	10740.00
Personal	20.0000	6.00	120.00	240.00
<b>Gross Pay</b>			<b>\$1,580.00</b>	\$10,980.00
<b>Statutory Deductions</b>				
			<b>this period</b>	<b>year to date</b>
Federal Income			-156.91	1088.77
Social Security			-97.96	680.76
Medicare			-22.91	159.21
Missouri State Income			-45.00	310.00
<b>Net Pay</b>			<b>\$1,257.22</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	21.56
- Taken Hours	6.00	12.00
- Balance		9.56
Total Hours Worked	73.00	537.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1257.22

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,580.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 04/07/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1257.22

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Exhibit 27

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1657573      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting:      03/05/2023  
Period Ending:      03/18/2023  
Pay Date:      03/24/2023

Taxable Marital Status:      Single  
Exemptions/Allowances:      Tax Override:  
Federal:      0      Federal:  
State:      0      State:  
Local:      0      Local:  
Social Security Number:      XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	73.00	1460.00	9280.00
Personal	20.0000	6.00	120.00	120.00
<b>Gross Pay</b>			<b>\$1,580.00</b>	\$9,400.00
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-156.91	931.86
Social Security			-97.96	582.80
Medicare			-22.91	136.30
Missouri State Income			-45.00	265.00
<b>Net Pay</b>			<b>\$1,257.22</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	18.48
- Taken Hours	6.00	6.00
- Balance		12.48
Total Hours Worked	73.00	464.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1257.22

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,580.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date:      03/24/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1257.22

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1608984      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 02/19/2023  
Period Ending: 03/04/2023  
Pay Date: 03/10/2023

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	77.00	1540.00	7820.00
<b>Gross Pay</b>			<b>\$1,540.00</b>	\$7,820.00
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-152.11	774.95
Social Security			-95.48	484.84
Medicare			-22.33	113.39
Missouri State Income			-43.00	220.00
<b>Net Pay</b>			<b>\$1,227.08</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	15.40
- Taken Hours	0.00	0.00
- Balance		15.40
Total Hours Worked	77.00	391.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1227.08

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,540.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 03/10/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1227.08

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Exhibit 27

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1555701      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 02/05/2023  
Period Ending: 02/18/2023  
Pay Date: 02/24/2023

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	80.00	1600.00	6280.00
<b>Gross Pay</b>			<b>\$1,600.00</b>	\$6,280.00
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-159.31	622.84
Social Security			-99.20	389.36
Medicare			-23.20	91.06
Missouri State Income			-46.00	177.00
<b>Net Pay</b>			<b>\$1,272.29</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	12.32
- Taken Hours	0.00	0.00
- Balance		12.32
Total Hours Worked	80.00	314.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1272.29

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,600.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 02/24/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1272.29

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Exhibit 27



Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1498344      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting:      01/22/2023  
Period Ending:      02/04/2023  
Pay Date:      02/10/2023

Taxable Marital Status:      Single  
Exemptions/Allowances:      Tax Override:  
Federal:      0      Federal:  
State:      0      State:  
Local:      0      Local:  
Social Security Number:      XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	76.50	1530.00	4680.00
<b>Gross Pay</b>			<b>\$1,530.00</b>	<b>\$4,680.00</b>
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-150.91	463.53
Social Security			-94.86	290.16
Medicare			-22.18	67.86
Missouri State Income			-42.00	131.00
<b>Net Pay</b>			<b>\$1,220.05</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	9.24
- Taken Hours	0.00	0.00
- Balance		9.24
Total Hours Worked	76.50	234.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1220.05

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,530.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date:      02/10/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1220.05

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code Loc/Dept Number Page  
KY/NMC 26967355 01/ 1459414 1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 01/08/2023  
Period Ending: 01/21/2023  
Pay Date: 01/27/2023

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0 Federal:  
State: 0 State:  
Local: 0 Local:  
Social Security Number: XXX-XX-XXXX

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	77.50	1550.00	3150.00
<b>Gross Pay</b>			<b>\$1,550.00</b>	\$3,150.00
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-153.31	312.62
Social Security			-96.10	195.30
Medicare			-22.48	45.68
Missouri State Income			-43.00	89.00
<b>Net Pay</b>			<b>\$1,235.11</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	6.16
- Taken Hours	0.00	0.00
- Balance		6.16
Total Hours Worked	77.50	157.50

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1235.11

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,550.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 01/27/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1235.11

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Exhibit 27

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1410057      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 12/25/2022  
Period Ending: 01/07/2023  
Pay Date: 01/13/2023

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	80.00	1600.00	1600.00
<b>Gross Pay</b>			<b>\$1,600.00</b>	\$1,600.00
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-159.31	159.31
Social Security			-99.20	99.20
Medicare			-23.20	23.20
Missouri State Income			-46.00	46.00
<b>Net Pay</b>			<b>\$1,272.29</b>	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	3.08	3.08
- Taken Hours	0.00	0.00
- Balance		3.08
Total Hours Worked	80.00	80.00

Deposits		
account number	transit/ABA	amount
XXXXXX1564	XXXXXXXXXX	1272.29

### Important Notes

Basis of pay: Hourly

Your federal taxable wages this period are \$1,600.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 01/13/2023

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX1564	XXXXXXXXXX	1272.29

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
 KY / NMC 26967355      01/      1365056      1 of 1  
 American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

## Earnings Statement



Period Starting: 12/11/2022  
 Period Ending: 12/24/2022  
 Pay Date: 12/30/2022

Taxable Marital Status: Single  
 Exemptions/Allowances: Tax Override:  
 Federal: 0      Federal:  
 State: 0      State:  
 Local: 0      Local:  
 Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	80.00	1600.00	19870.00
Overtime			0.00	90.00
Personal			0.00	320.00
Holiday			0.00	640.00

<b>Gross Pay</b>			<b>\$1,600.00</b>	\$20,920.00
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Statutory Deductions	this period	year to date
Federal Income	-164.02	2124.28
Social Security	-99.20	1297.04
Medicare	-23.20	303.34
Missouri State Income	-51.00	640.00

<b>Net Pay</b>	<b>\$1,262.58</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	80.00	996.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1262.58

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,600.00

American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

**Pay Date:** 12/30/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1262.58

**THIS IS NOT A CHECK**

Robert Baumann  
 939 South Park Drive  
 Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1312832      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 11/27/2022  
Period Ending: 12/10/2022  
Pay Date: 12/16/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	76.00	1520.00	18270.00
Overtime			0.00	90.00
Personal			0.00	320.00
Holiday			0.00	640.00

<b>Gross Pay</b>			<b>\$1,520.00</b>	\$19,320.00
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Statutory Deductions	this period	year to date
Federal Income	-154.42	1960.26
Social Security	-94.24	1197.84
Medicare	-22.04	280.14
Missouri State Income	-47.00	589.00

<b>Net Pay</b>	<b>\$1,202.30</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	76.00	916.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1202.30

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,520.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 12/16/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1202.30

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
 KY / NMC 26967355      01/      1261052      1 of 1  
 American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

## Earnings Statement



Period Starting: 11/13/2022  
 Period Ending: 11/26/2022  
 Pay Date: 12/02/2022

Taxable Marital Status: Single  
 Exemptions/Allowances: Tax Override:  
 Federal: 0      Federal:  
 State: 0      State:  
 Local: 0      Local:  
 Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	54.50	1090.00	16750.00
Overtime			0.00	90.00
Personal	20.0000	8.00	160.00	320.00
Holiday	20.0000	16.00	320.00	640.00

<b>Gross Pay</b>			<b>\$1,570.00</b>	\$17,800.00
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Statutory Deductions	this period	year to date
Federal Income	-160.42	1805.84
Social Security	-97.34	1103.60
Medicare	-22.76	258.10
Missouri State Income	-50.00	542.00

<b>Net Pay</b>	<b>\$1,239.48</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	54.50	840.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1239.48

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,570.00

American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

**Pay Date:** 12/02/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1239.48

**THIS IS NOT A CHECK**

Robert Baumann  
 939 South Park Drive  
 Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1209459      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 10/30/2022  
Period Ending: 11/12/2022  
Pay Date: 11/18/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	64.00	1280.00	15660.00
Overtime			0.00	90.00
Personal	20.0000	8.00	160.00	160.00
Holiday	20.0000	8.00	160.00	320.00

<b>Gross Pay</b>			<b>\$1,600.00</b>	\$16,230.00
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Statutory Deductions	this period	year to date
Federal Income	-164.02	1645.42
Social Security	-99.20	1006.26
Medicare	-23.20	235.34
Missouri State Income	-51.00	492.00

<b>Net Pay</b>	<b>\$1,262.58</b>	
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Other Benefits and Information	this period	year to date
Total Hours Worked	64.00	786.00

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1262.58

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,600.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 11/18/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1262.58

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1157976      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 10/16/2022  
Period Ending: 10/29/2022  
Pay Date: 11/04/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	74.50	1490.00	14380.00
Overtime			0.00	90.00
Holiday			0.00	160.00

<b>Gross Pay</b>			<b>\$1,490.00</b>	\$14,630.00
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Statutory Deductions	this period	year to date
Federal Income	-150.82	1481.40
Social Security	-92.38	907.06
Medicare	-21.61	212.14
Missouri State Income	-45.00	441.00

<b>Net Pay</b>	<b>\$1,180.19</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	74.50	722.00

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1180.19

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,490.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 11/04/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1180.19

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**



Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1104858      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 10/02/2022  
Period Ending: 10/15/2022  
Pay Date: 10/21/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	80.00	1600.00	12890.00
Overtime			0.00	90.00
Holiday			0.00	160.00

<b>Gross Pay</b>			<b>\$1,600.00</b>	\$13,140.00
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Statutory Deductions	this period	year to date
Federal Income	-164.02	1330.58
Social Security	-99.20	814.68
Medicare	-23.20	190.53
Missouri State Income	-51.00	396.00

<b>Net Pay</b>	<b>\$1,262.58</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	80.00	647.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1262.58

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,600.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 10/21/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1262.58

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1054428      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 09/18/2022  
Period Ending: 10/01/2022  
Pay Date: 10/07/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	74.00	1480.00	11290.00
Overtime			0.00	90.00
Holiday			0.00	160.00

<b>Gross Pay</b>			<b>\$1,480.00</b>	\$11,540.00
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Statutory Deductions	this period	year to date
Federal Income	-149.62	1166.56
Social Security	-91.76	715.48
Medicare	-21.46	167.33
Missouri State Income	-45.00	345.00

<b>Net Pay</b>	<b>\$1,172.16</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	74.00	567.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1172.16

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,480.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 10/07/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1172.16

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      1001685      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting:      09/04/2022  
Period Ending:      09/17/2022  
Pay Date:      09/23/2022

Taxable Marital Status:      Single  
Exemptions/Allowances:      Tax Override:  
Federal:      0      Federal:  
State:      0      State:  
Local:      0      Local:  
Social Security Number:      XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	69.50	1390.00	9810.00
Overtime			0.00	90.00
Holiday			0.00	160.00

<b>Gross Pay</b>			<b>\$1,390.00</b>	\$10,060.00
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Statutory Deductions	this period	year to date
Federal Income	-138.82	1016.94
Social Security	-86.18	623.72
Medicare	-20.15	145.87
Missouri State Income	-40.00	300.00

<b>Net Pay</b>	<b>\$1,104.85</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	69.50	493.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1104.85

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,390.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date:      09/23/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1104.85

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      949968      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 08/21/2022  
Period Ending: 09/03/2022  
Pay Date: 09/09/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	78.00	1560.00	8420.00
Overtime			0.00	90.00
Holiday			0.00	160.00

<b>Gross Pay</b>			<b>\$1,560.00</b>	\$8,670.00
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Statutory Deductions	this period	year to date
Federal Income	-159.22	878.12
Social Security	-96.72	537.54
Medicare	-22.62	125.72
Missouri State Income	-49.00	260.00

<b>Net Pay</b>	<b>\$1,232.44</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	78.00	424.00

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1232.44

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,560.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 09/09/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1232.44

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      896598      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 08/07/2022  
Period Ending: 08/20/2022  
Pay Date: 08/26/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	87.00	1740.00	6860.00
Overtime	30.0000	3.00	90.00	90.00
Holiday			0.00	160.00

<b>Gross Pay</b>			<b>\$1,830.00</b>	\$7,110.00
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Statutory Deductions	this period	year to date
Federal Income	-197.22	718.90
Social Security	-113.46	440.82
Medicare	-26.54	103.10
Missouri State Income	-64.00	211.00

<b>Net Pay</b>	<b>\$1,428.78</b>
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Other Benefits and Information	this period	year to date
Total Hours Worked	90.00	346.00

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1428.78

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,830.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 08/26/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1428.78

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      836357      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 07/24/2022  
Period Ending: 08/06/2022  
Pay Date: 08/12/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	60.50	1210.00	5120.00
Holiday			0.00	160.00
<b>Gross Pay</b>			<b>\$1,210.00</b>	\$5,280.00
<b>Statutory Deductions</b>			<b>this period</b>	<b>year to date</b>
Federal Income			-117.22	521.68
Social Security			-75.02	327.36
Medicare			-17.54	76.56
Missouri State Income			-31.00	147.00
<b>Net Pay</b>			<b>\$969.22</b>	

Other Benefits and Information	this period	year to date
Total Hours Worked	60.50	256.00

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	969.22

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,210.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 08/12/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	969.22

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

Company Code      Loc/Dept      Number      Page  
 KY / NMC 26967355      01/      793523      1 of 1  
 American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

## Earnings Statement



Period Starting: 07/10/2022  
 Period Ending: 07/23/2022  
 Pay Date: 07/29/2022

Taxable Marital Status: Single  
 Exemptions/Allowances: Tax Override:  
 Federal: 0      Federal:  
 State: 0      State:  
 Local: 0      Local:  
 Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	70.00	1400.00	3910.00
Holiday			0.00	160.00
<b>Gross Pay</b>			<b>\$1,400.00</b>	\$4,070.00
<b>Statutory Deductions</b>				
			<b>this period</b>	<b>year to date</b>
Federal Income			-140.02	404.46
Social Security			-86.80	252.34
Medicare			-20.30	59.02
Missouri State Income			-41.00	116.00
<b>Net Pay</b>			<b>\$1,111.88</b>	

Other Benefits and Information	this period	year to date
Total Hours Worked	70.00	195.50

Deposits account number	transit/ABA	amount
XXXXXX5597	XXXXXXXXXX	1111.88

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,400.00

American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

Pay Date: 07/29/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX5597	XXXXXXXXXX	1111.88

**THIS IS NOT A CHECK**

Robert Baumann  
 939 South Park Drive  
 Columbus, KS 66725

**Exhibit 27**

Company Code    Loc/Dept    Number    Page  
 KY / NMC 26967355    01/    741133    1 of 1  
 American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

## Earnings Statement



Period Starting: 06/26/2022  
 Period Ending: 07/09/2022  
 Pay Date: 07/15/2022

Taxable Marital Status: Single  
 Exemptions/Allowances: Tax Override:  
 Federal: 0    Federal:  
 State: 0    State:  
 Local: 0    Local:  
 Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
**939 South Park Drive**  
**Columbus, KS 66725**

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	70.50	1410.00	2510.00
Holiday	20.0000	8.00	160.00	160.00
<b>Gross Pay</b>			<b>\$1,570.00</b>	<b>\$2,670.00</b>
Statutory Deductions			this period	year to date
Federal Income			-160.42	264.44
Social Security			-97.34	165.54
Medicare			-22.77	38.72
Missouri State Income			-50.00	75.00
<b>Net Pay</b>			<b>\$1,239.47</b>	

Other Benefits and Information	this period	year to date
Total Hours Worked	70.50	125.50

Deposits account number	transit/ABA	amount
XXXXXX7728	XXXXXXXXXX	1239.47

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,570.00

American Tripoli  
 222 Oneida St  
 Seneca, MO 64865

**Pay Date:** 07/15/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX7728	XXXXXXXXXX	1239.47

Robert Baumann  
 939 South Park Drive  
 Columbus, KS 66725

**THIS IS NOT A CHECK**

**Exhibit 27**



Company Code      Loc/Dept      Number      Page  
KY / NMC 26967355      01/      688724      1 of 1  
American Tripoli  
222 Oneida St  
Seneca, MO 64865

## Earnings Statement



Period Starting: 06/12/2022  
Period Ending: 06/25/2022  
Pay Date: 07/01/2022

Taxable Marital Status: Single  
Exemptions/Allowances: Tax Override:  
Federal: 0      Federal:  
State: 0      State:  
Local: 0      Local:  
Social Security Number: XXX-XX-XXXX

**Robert Baumann**  
939 South Park Drive  
Columbus, KS 66725

Earnings	rate	hours/units	this period	year to date
Regular	20.0000	55.00	1100.00	1100.00
<b>Gross Pay</b>			<b>\$1,100.00</b>	\$1,100.00

Statutory Deductions	this period	year to date
Federal Income	-104.02	104.02
Social Security	-68.20	68.20
Medicare	-15.95	15.95
Missouri State Income	-25.00	25.00
<b>Net Pay</b>	<b>\$886.83</b>	

Other Benefits and Information	this period	year to date
Total Hours Worked	55.00	55.00

Deposits account number	transit/ABA	amount
XXXXXX7728	XXXXXXXXXX	886.83

**Important Notes**  
Basis of pay: Hourly

Your federal taxable wages this period are \$1,100.00

American Tripoli  
222 Oneida St  
Seneca, MO 64865

Pay Date: 07/01/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX7728	XXXXXXXXXX	886.83

Robert Baumann  
939 South Park Drive  
Columbus, KS 66725

**Exhibit 27**

## Payroll Details

Hours and Earnings				Taxes		Deductions			Employer	
Description	Hours	Rate	Amount	Tax	Amount	Deduction	Amount	Net Pay	Liability	Amount
<b>Pay Frequency: Biweekly</b>										
<b>Employee: Baumann, Robert</b>				<b>SSN: xxx-xx-6385</b>						
Regular	1,601.50	20.0000	32,030.00	FED FIT	3,373.70			26,577.90	FED SOCSEC-ER	2,077.69
Overtime	3.00	30.0000	90.00	FED SOCSEC	2,077.69				FED MEDCARE-ER	485.95
Personal	37.56	20.0000	751.20	FED	485.91				FED FUTA	84.00
Holiday	32.00	20.0000	640.00	MEDCARE					MO SUI-ER	229.42
	1,674.06		33,511.20	MO SIT	996.00					2,877.06
					6,933.30					
Check Date: 07/01/2022 / Direct Deposit / Checking / Account No: XXXXX7728 \$886.83										
Check Date: 07/15/2022 / Direct Deposit / Checking / Account No: XXXXX7728 \$1,239.47										
Check Date: 07/29/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,111.88										
Check Date: 08/12/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$969.22										
Check Date: 08/26/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,428.78										
Check Date: 09/09/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,232.44										
Check Date: 09/23/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,104.85										
Check Date: 10/07/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,172.16										
Check Date: 10/21/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,262.58										
Check Date: 11/04/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,180.19										
Check Date: 11/18/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,262.58										
Check Date: 12/02/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,239.48										
Check Date: 12/16/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,202.30										
Check Date: 12/30/2022 / Direct Deposit / Checking / Account No: XXXXXXXX5597 \$1,262.58										
Check Date: 01/13/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,272.29										
Check Date: 01/27/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,235.11										
Check Date: 02/10/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,220.05										
Check Date: 02/24/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,272.29										
Check Date: 03/10/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,227.08										
Check Date: 03/24/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,257.22										
Check Date: 04/07/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,257.22										
Check Date: 04/21/2023 / Direct Deposit / Checking / Account No: XXXXXXXX1564 \$1,281.30										
<b>Pay Frequency Totals: Biweekly</b>										
Regular	1,601.50		\$32,030.00	FED FIT	\$3,373.70			\$26,577.90	FED SOCSEC-ER	\$2,077.69
Overtime	3.00		\$90.00	FED SOCSEC	\$2,077.69				FED MEDCARE-ER	\$485.95
Personal	37.56		\$751.20	FED	\$485.91				FED FUTA	\$84.00
Holiday	32.00		\$640.00	MEDCARE					MO SUI-ER	\$229.42
	1,674.06		\$33,511.20	MO SIT	\$996.00					\$2,877.06
					\$6,933.30					

Company: Mosenecamufacturer Limited Liabil  
Check dates from: 7/1/2022 - Payroll 1 to: 4/21/2023 - Payroll 1  
Pay Period from: 06/12/2022 to: 04/15/2023

1 of 2

Date Printed: 10/12/2023 11:34  
26967355 - KY/NMC

**Exhibit 28**

Exhibit P-43, Page 973

## Payroll Details

Hours and Earnings				Taxes		Deductions			Employer	
Description	Hours	Rate	Amount	Tax	Amount	Deduction	Amount	Net Pay	Liability	Amount
<b>Total Employees - Biweekly: 1</b>										
<b>Company Totals:</b>										
Regular	1,601.50		\$32,030.00	FED FIT	\$3,373.70			\$26,577.90	FED SOCSEC-ER	\$2,077.69
Overtime	3.00		\$90.00	FED SOCSEC	\$2,077.69				FED MEDCARE-ER	\$485.95
Personal	37.56		\$751.20	FED	\$485.91				FED FUTA	\$84.00
Holiday	32.00		\$640.00	MEDCARE					MO SUI-ER	\$229.42
	1,674.06		\$33,511.20	MO SIT	\$996.00					\$2,877.06
					\$6,933.30					
<b>Total Employees - Company: 1</b>										

Company: Mosenecamanager Limited Liabil  
Check dates from: 7/1/2022 - Payroll 1 to: 4/21/2023 - Payroll 1  
Pay Period from: 06/12/2022 to: 04/15/2023

2 of 2

Date Printed: 10/12/2023 11:34  
26967355 - KY/NMC

**Exhibit 28**

Exhibit P-43, Page 974

2023		Start Date	90th Day	Hours Accrued Per Pay Period	Accrued PTO Hours	PTO Hours Used	PTO Hours Available	12/25/22-1/7/23	1/8-1/21	1/22-2/4	2/5-2/18	2/19-3/4	3/5-3/18	3/19-4/1	4/2-4/15
Employee								Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8
Rob Baumann		6/16/2022	9/14/2022	3.08	24.64	12	12.64	3.08	3.08	3.08	3.08	3.08	3.08	3.08	3.08

Date	PTO Hours
8-Mar-23	6
27-Mar-23	6
	12

2022		Start Date	90th Day	Hours Accrued Per Pay Period	Accrued PTO Hours	PTO Hours Used	PTO Hours Available	9/4 - 9/17	9/18 - 10/1	10/2 -10/15	10/16 - 10/29	10/30 - 11/12	11/13 - 11/26	11/27 - 12/10	12/11 - 12/24
Employee								Period 19	Period 20	Period 21	Period 22	Period 23	Period 24	Period 25	Period 26
Rob Baumann		6/16/2022	9/14/2022	3.08	22.44	16	6.44	0.88	3.08	3.08	3.08	3.08	3.08	3.08	3.08

Date	PTO Hours
31-Oct-22	8
14-Nov-22	5
18-Nov-22	3
	16

## Exhibit 29

Exhibit P-43, Page 975



# AMERICAN TRIPOLI

P.O. BOX 489 – SENECA, MISSOURI 64865

TEL. NO. +1.417.776.2216

EMAIL: Info@AmericanTripoli.com

MOSenecaManufacturer LLC  
dba American Tripoli  
222 Oneida Street  
Seneca, MO 64865  
November 4, 2022

Robert Baumann

Columbus, KS 66725

Dear Robert Baumann:

American Tripoli is excited to bring you on board as a Shift Lead.

We're just a few formalities away from getting down to work. Please take the time to review our offer. It includes important details about your compensation, benefits and the terms and conditions of your anticipated employment with American Tripoli.

American Tripoli is offering a full-time position for you as a Shift Lead, reporting to Christine Schreiber starting on June 16, 2022 at 222 Onieda Street, Seneca, MO 64865. Expected hours of work are Monday through Friday, 8:00 – 4:30 pm central time.

In this position, American Tripoli is offering to start you at \$20.00 per hour. You will be paid on a biweekly basis.

As part of your compensation, we're also offering PTO, health insurance and 401(k) matching. After your 90-day probationary period, you will begin accruing 3.08 hours of PTO per pay period for the first 3 years. You may enroll for medical and dental insurance before your 90<sup>th</sup> day, in which it will become effective on your 91<sup>st</sup> day, or you may wait until the Open Enrollment Period in June. You may contribute immediately to the 401(k) plan, in which the company will match up to 5%. After your 90-day probationary period, you may request a Red Wing Boot voucher for up to \$200. If you purchase Red Wing steel-toed boots before your 90<sup>th</sup> day, bring in your receipt and you may be reimbursed for up to \$200 after your 90<sup>th</sup> day.

Sincerely,

Russell Tidaback  
Owner / Managing Member

## Reset Form

## Representative of Miners Designation Form

U.S. Department of Labor  
Mine Safety and Health Administration

Approved OMB Control Number 1219-0042, is approved for use through 12/31/2023

Purpose: 30 CFR 40.3 authorizes a written declaration of any person or organization which represents two or more miners at a coal or other mine.

Public reporting burden for this collection of information estimated to average 45 minutes per response; including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to this collection of information unless it displays a current OMB Control Number. The DOL offers no pledge of confidentiality in association with these information collections unless Item 2 is checked and DOL will keep the miners' names and contact information confidential (Item 7) if Item 2 is checked. Section 103(f) and (g) of the Federal Mine Safety and Health Act, as amended, (30 U.S.C. § 813(f) and (g)) and 43 FR 29508, 29509. As a practical matter, the DOL would only release this information in accordance with provisions of the Freedom of Information Act (5 U.S.C. § 552); the Privacy Act (5 U.S.C. § 552a); and attendant regulations, 29 C.F.R. parts 70 and 71. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: **Office of Standards, Regulation and Variances, Mine Safety and Health Administration, 201 12th Street South, Suite 401, Arlington, VA 22202-5452. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.** Instructions for this form contain further information on the need and use of this form. A false or representation is punishable under Section 110(a) and (f) of the Federal Mine Safety and Health Act, as amended (30 U.S.C. § 820 (a) and (f)).

- Item 1: ☒ Initial Filing ☐ Update ☐ Unknown  
Item 2: ☒ Confidential  
Item 3: Designation Type: ☒ Individual ☐ Organization

Representative Name: Rob Baumann Title: Production Supervisor  
Address: 939 S. Park Dr  
City: Columbus State: KS Zip Code: 66725  
Telephone: (417) 356 0770 Email: baumannr24@Gmail.com

Item 4: Mine Operator's or Contractor's Name: American Tripoli  
Mine Address: 222 Oneida St., Seneca, MO 64865  
Mine MSHA ID No.: 23-00504

- Item 5: Scope of Designation: ☒ The person or position named as the representative of miners is the representative for all purposes of the Act.  
☐ The representative's authority is limited to: ☐ 101 (c)  
☐ 103 (c)  
☐ Other \_\_\_\_\_

Item 6: Additional or Alternate Representatives: ☐

1. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_
2. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Item 7. Designated By: (Name of two or more miners who work at the mine)

I certify that I have been designated as representative by at least two miners who work at the mine. I certify that all information being filed is true and correct. A copy of this form has been delivered to the mine operator of the affected mine prior to or concurrently to the filing of this statement.

Signed: Robt Baumann

Date: 3-21-2023

**Exhibit 31**